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JUNE 22, 1995

TO: INTERESTED PERSONS

FROM: SELECT COMMITTEE ON CHARTER REFORM

SUBJECT: UPDATED CHARTER REFORM (Draft Three)

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- Distributed over 3,000 Charter packets, which included a copy of the proposed Charter, the City Attorney's Side-By-Side Analysis, and the Budget Analyst Report.

- Distributed 2,500 copies of the Select Committee's Special Mark-Up Meeting agenda.

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FROM: SELECT COMMITTEE ON CHARTER REFORM

SUBJECT: UPDATED CHARTER REFORM (Draft Three)

Over the past several months, the Select Committee on Charter held an extensive public review and participation process on the proposed new Charter. The Select Committee is composed of three members of the Board of Supervisors.

The Select Committee used the draft from last year's consideration because members of the Board believed that there was much in the document that had general support. Last year's document was based on the 1980 Charter proposal created by an elected Charter Revision Committee.

This year, the Select Committee on Charter Reform:

- Retained full-time legal counsel; provided by Deputy City Attorney Tom Owen.
- Held five meetings in the neighborhoods at night.
- Held four mark-up and several other public sessions of the Select Committee.
- Proposed and considered over 100 amendments/revisions to the proposed Charter. All proposed amendments/ revisions appeared on the printed meeting calendars -- the first time a committee of the Board of Supervisors actually published in advance amendments being considered.
- Distributed over 3,000 Charter packets, which included a copy of the proposed Charter, the City Attorney's Side-By-Side Analysis, and the Budget Analyst Report.
- Distributed 2,500 copies of the Select Committee's Special Mark-Up Meeting agenda.

In addition, members of the Select Committee received oral testimony, written comments and other feedback from hundreds of San Franciscans on the proposed Charter. Members of the Select Committee met individually with dozens of community groups and individuals, or participated in three labor meet-and-confer sessions.

Following the extensive public process and deliberations, the Select Committee has produced an updated proposed Charter (Draft Three). A copy of this draft is attached, along with the City Attorney's updated Side-By-Side Analysis and a separate City Attorney report of the changes made by the Select Committee. An updated Budget Analyst report is also provided for your review. Finally, a copy of the Select Committee's next meeting -- set for July 11, 1995, at 10:00 a.m. -- is attached.

The Select Committee continues to welcome your comments and suggestions. Should you have any questions, or need further information, please contact Rosemary Little-Horanzy, Clerk for the Select Committee, at 554-4447.

Attachments

SPECIAL MEETING OF
SELECT COMMITTEE ON CHARTER REFORM
BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

TUESDAY, JULY 11, 1995 – 10:00 A.M. VETERANS BUILDING
401 VAN NESS AVENUE, ROOM 404
SAN FRANCISCO, CA. 94102

MEMBERS: Supervisors Kaufman, Leal, Teng

CLERK: Rosemary Little–Horanzy (554–4447)

A. File 281–94–1. [Ballot Measure, New Charter] Consideration of Charter amendment (Third Draft) to repeal the 1932 Charter and to enact a new Charter. (Supervisor Kaufman)
(Continued from June 15, 1995.)

1. Amending Section 4.106, regarding the Board of Appeals.

   ACTION:

2. Amending relevant sections, regarding public notices.

   ACTION:

3. Amending Section 4.105, regarding the Planning Commission.

   ACTION:

4. Amending Section 12.200, regarding the Health Service Board.

   ACTION:

5. Amending Section 15.108, regarding the employment of former mayors and supervisors, to clarify that such exception for city office only applies to elective office and commission appointments.

   ACTION:

6. Amending Section 4.118, regarding the Commission on the Environment.

   ACTION:

7. Amending Section 4.125, regarding the Department of Administrative Services.

   ACTION:

8. Amending relevant Sections, to correct typographic errors, grammatical errors, and etc.

   ACTION:

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City and County of San Francisco:

Office of City Attorney

Louise H. Renne,
City Attorney

SIDE-BY-SIDE COMPARISON OF 1932 CHARTER AND THIRD DRAFT

(415) 554-3900

Fox Plaza, 1390 Market Street, Suite 250

San Francisco 94102-5404

Current	Proposed

ARTICLE I:
EXISTENCE AND POWERS OF THE CITY AND COUNTY

No significant differences between 1932 Charter and the proposed revision.

ARTICLE II:
LEGISLATIVE BRANCH

General composition, powers and organization of the Board of Supervisors would remain the same. The Board's legislative procedures would also remain the same. The salary of supervisors would remain fixed in the Charter at $23,924 per year.

Non-Interference In Administrative Affairs

The Board of Supervisors and Board members are prohibited from interfering with the day-to-day operations of City departments, including, but not limited to, personnel and contract decisions.	The same non-interference provisions would apply, with two exceptions. First, individual supervisors would be allowed to testify at a public meeting of another board or commission on matters other than specific contract or personnel matters.
The Board may adopt resolutions making non-binding recommendations to the departments on administrative matters.	Second, the Board could adopt ordinances on matters other than specific contract or personnel matters.

Public Meetings and Records

The Charter only requires open meetings of the Board.	The revision would still require open meetings, but would also require the Board to adopt and maintain a Sunshine Ordinance to provide public access to meetings, documents, and records.

Clerk of the Board

The Clerk of the Board is selected and removed through the civil service system.	The Clerk would serve at the pleasure of the Board, except that the incumbent Clerk at the time the revision is adopted would retain his or her civil service tenure.

Current	Proposed
Legislative Aides	
Each Board member now has two aides. One aide is an "administrative assistant" and is exempt from civil service. The other aide is a "legislative assistant." A "legislative assistant" is a civil service position, but these positions have been filled by temporary appointments due to the lack of civil service lists.	Each Board member would have two staff members. Both of those positions would be exempt from civil service.

ARTICLE III:
EXECUTIVE BRANCH -- OFFICE OF THE MAYOR

General powers, functions and duties of the Mayor would remain the same, with the following changes:

Rates and Fees	
Many departmental rates and fees are set exclusively by the governing board or commission.	Boards and commissions would recommend rates and fees to the Mayor. The Mayor could change these rates and fees before submitting them to the Board of Supervisors for adoption. Port, Airport and garbage rates and fees would not be covered by these provisions.
Mayor's Emergency Powers	
The Mayor may take all necessary actions to meet a public emergency, but must get the concurrence of the Board of Supervisors, both as to the need to declare an emergency and the actions taken.	The Mayor's emergency powers would remain unchanged.
Mayor's Budget Authority	
Commissions and departments prepare their own budget requests. The Mayor consolidates those proposals and submits a proposed budget to the	Boards and commissions would continue to prepare and approve the budgets for their departments. The Mayor would then prepare

Current	Proposed
Board of Supervisors. Though the the Mayor may cut departmental budget proposals, he or she may only increase a department's proposal with the approval of the board or commission.	the annual budget for the City as a whole, and would have the authority to add or subtract from the budget approved by a board or commission.

Mayor's Commission Appointment Power

The Mayor generally has the exclusive power to appoint commissioners. The Board generally plays no role in this process.	The Mayor would still appoint commissioners, and those appointments would take effect immediately. But the Board would have the authority to reject those appointments within 30 days.

Commissioners - Term and Tenure

Most commissioners are appointed by and serve at the pleasure of the Mayor. The Board of Supervisors plays no role in that process.	The provisions for appointment and removal of commissioners would remain the same, except for the Board's power to reject appointments within 30 days.
Members of the Airport, Port, Public Utilities, Health, Recreation and Park, Ethics, Juvenile Probation and Civil Service Commission can only be removed in the same manner as elected officials: written charges are filed by the Mayor, a hearing is held before the Ethics Commission and the Board of Supervisors votes whether to remove the official. Social Services commissioners may only be removed for cause, and are entitled to a hearing before the Mayor.	In making appointments, the Mayor would be required to identify the appointee's qualifications and explain how the appointee represents the community interests, neighborhoods and diverse populations of the City. Commissions must be broadly representative of the communities of interest, neighborhoods, and the diversity in ethnicity, race, age, and sexual orientation of the City and have representation of both sexes.

Appointment and Removal of Department Heads

Except for the Department of Human Resources and the Port, department heads under commissions appointed by the Mayor are selected and removed by the board or commission.	Commissions would submit the names of three qualified candidates to the Mayor, who would appoint a department head from that list.

Current	Proposed
The Port Director and the Director of Human Resources are appointed by the Mayor from a list of candidates prepared by their respective commissions. The Port Director serves at the pleasure of the Commission. The Director of Human Resources serves at the pleasure of the Mayor, but his or her removal may be rejected by a four-fifths vote of the Civil Service Commission.	Department heads would be removed by the commissions, but the Mayor could recommend that a department head be removed and the commission would be required to accept or reject the recommendation within 30 days. The Chief of Police could be removed by either the Mayor or the Police Commission. Provisions governing removal of the Port Director and the Director of Human Resources would remain the same.

Mayoral Appointments Outside the Merit System

The Mayor has the ability to make only 2 or 3 civil service exempt appointments in his or her office. Historically, the Civil Service Commission has not given examinations to qualify candidates for other positions in the Mayor's office. Thus, most of the Mayor's staff members occupy temporary positions because there is no list.	All supervisory and policy level staff in the Mayor's office would be appointed by and serve at the pleasure of the Mayor.

Chief Administrative Officer/City Administrator

The Chief Administrative Officer manages those City "business" functions not placed under a board or commission. These functions include public works, purchasing, risk management, real estate, electricity, coroner, agricultural commissioner/sealer of weights and measures, convention facilities and public administrator. In addition, the CAO appoints the Registrar of Voters and the Recorder. Many of the heads of these departments are civil service exempt appointees. The Registrar of Voters and the Director of the Department of Real Estate, among others, are civil service appointees.	The Mayor would appoint a City Administrator to a five-year term. This appointment would be subject to confirmation by the Board of Supervisors. The City Administrator could only be removed by the Mayor subject to approval by the Board. The City Administrator would immediately succeed to most of the powers of the Chief Administrative Officer. The incumbent CAO would become the City Administrator when the Charter revision became effective, and would serve for 5 years from date of his or her initial appointment. The City Administrator would, with the concurrence of the Mayor,

Current	Proposed
	appoint and remove the Public Guardian/Administrator, and the directors of the Departments of Administrative Services (new), Solid Waste, and Public Works. The City Administrator would also appoint the Director of the Department of Elections pursuant to civil service provisions of the Charter. The Director of the Department of Elections would continue to have exclusive control over elections and could only be removed for cause with a right of appeal to the Civil Service Commission. The City Administrator would: administer policies and procedures regarding bonded and long-term indebtedness, procurement, contracts, and building permits; supervise budget preparation; and coordinate capital-improvement projects, except for those under the Port, Airport, Public Utilities and Transportation Commissions.
Reorganization	
The Mayor, CAO and each board or commission may reorganize matters placed under their jurisdiction. However, there is no authority for inter-departmental transfers of functions and duties or for reorganization, other than the Board's power to create or abolish departments.	The Mayor would have the power to reorganize the executive branch, including interdepartmental transfers of functions and powers not specified in the Charter, unless the action is disapproved by the Board of Supervisors within 30 days. This power would not extend to departments headed by elected officials such as the Sheriff or the Treasurer. (Under state law, affected employees have a right to meet and confer with the City when their jobs are shifted as part of such changes.)

Current	Proposed
Controller	
The Controller is the chief fiscal officer of the City. The Controller's powers include: (1) the power to freeze spending when departments overspend or revenues do not meet projections, (2) certifying whether funds are available for a supplemental appropriation, (3) certifying whether funds are appropriated and available before a contract may be binding on the City.	The Controller's functions would not change. Although some administrative detail has been removed from the Charter, basic safeguards over City finances are retained. A significant new function given to the Controller is the preparation of an opinion addressed to the Mayor and the Board assessing the reliability of the revenue estimates in the proposed budget.
ARTICLE IV: EXECUTIVE BRANCH -- BOARDS, COMMISSIONS, AND DEPARTMENTS	
Powers of Commissions	
Specifies the powers of all commissions. These powers include general control over the commission's operations as well as organization and management of the department. In addition, many functions of commissions are delineated. Neither the Mayor nor the Board may dictate how a commission should organize or manage the department.	Specific details of the functions, powers and duties of some commissions would be transferred to the Administrative Code. Responsibility for the day-to-day management and administration of the departments would generally be transferred from the commissions to a department head. Departmental operations would be subject to applicable ordinances. The Board of Appeals, Planning Commission, and the Asian Art, War Memorial and Fine Arts commissions would generally retain their current Charter-conferred powers. The authority of commissions to set plans, policies and goals for each department would be retained, but would now be subject to the authority of the Mayor and the Board to set overall objectives for the City and County through the adoption of ordinances.

Current	Proposed
Planning Commission	
Includes *ex officio* positions for the CAO and the General Manager of the Public Utilities Commission.	All seven members would be appointed by the Mayor.
The City's Master Plan is adopted by the Planning Commission.	The Master Plan, renamed the General Plan, would be recommended by the Planning Commission and approved by the Board of Supervisors.
Board of Appeals	
The right to appeal a permit decision is granted to virtually anyone, and the Board of Permit Appeals hears the matter *de novo*.	The Board of Appeals' powers would remain basically unchanged. Decisions of the Zoning Administrator would continue to be subject to appeal before the board.
Commission on the Environment	
No such commission	The new Commission and Department would have responsibility to: (1) regularly assess the City's environmental conditions, (2) review and make recommendations on any policy, except for those policies relating to building and land use, regarding conformity with long-term plans for environmental sustainability, (3) investigate and make recommendations to all City agencies relating to environmentally-related functions, and, (4) conduct public education and outreach on environmental issues.
Commission on Aging	
Not mentioned in charter, but created by ordinance.	The Commission would now be placed in the charter.

Current	Proposed
Police and Fire Departments	
The Charter sets forth many details of the structure and operations of of the Police and Fire Departments.	Many of these details would be converted to ordinances and moved to the Administrative Code. The Police Department would still have the basic duty and authority to preserve the public peace, prevent and detect crime, and protect the rights of persons and property by enforcing the laws. Provisions relating to Office of Citizen Complaints, district stations, the police staffing charter amendment adopted in June of 1994, and patrol specials would be retained in the proposed revision. Patrol specials would now be subject to oversight by the OCC in the same manner as police officers. The Fire Department would still have the basic duty and authority to enforce all applicable laws pertaining to the protection from and the prevention, suppression, control and investigation of fires.
Recreation and Park Department	
The Charter prohibits the sale or lease of park property for non-recreational uses; the voters could override that restriction by amending the Charter.	These revision would also prohibit the sale or lease of park property without voter approval.
The Charter also requires a two-thirds vote of the Board of Supervisors to construct or enlarge a building in Golden Gate Park.	The revision would retain this requirement unchanged, and ex-. tend the requirement to any proposed structures in Union Square Park.
Department of Administrative Services	
The Department of Governmental Services under the Chief Adminis-	The revision would create a new Department of Administrative

Current	Proposed
trative Officer performs many basic "business" functions of the City, such as purchasing and property management.	Services, headed by a Director of Administrative Services. The Director would be appointed and removed by the City Administrator with the concurrence of the Mayor. The Director would carry out the duties of the City Purchaser and manage City property not placed by the Charter under a specific board or commission.
Department of Public Works	
The Department of Public Works is under the supervision of the Chief Administrative Officer. The Charter includes certain details about the the structure and operations of the department.	The City Administrator would have control over the Department of Public Works unless that responsibility was re-assigned. Most detail relating to the Department of Public Works currently in the Charter would be converted to ordinance and transferred to the Administrative Code.
ARTICLE V: EXECUTIVE BRANCH -- ARTS AND CULTURE	
Asian Art and Arts Commissions and War Memorial and Fine Art Museums Boards of Trustees	
These Commissions manage the departments under their jurisdiction.	These provisions would be generally unchanged. The commissions would retain their tenure and appointment provisions. They would also retain the power to appoint and remove department heads, directors, and, for the Asian Art and Fine Art, such executive and administrative positions as may be necessary.
The Charter makes no specific provision for community cultural centers.	The Arts Commission would be responsible for supporting the City-owned community cultural centers. The City would be required to allocate sufficient

Current	Proposed
	funds from the property tax to support the operations of the City-owned community cultural centers.
ARTICLE VI: OTHER ELECTED OFFICIALS	
Recorder and Assessor	
The Assessor is elected. The Recorder-County Clerk is appointed by the CAO and serves in the Department of Governmental Services.	Recorder-County Clerk functions would be merged with those of the Assessor.
ARTICLE VII: JUDICIAL BRANCH	
ARTICLE VIII: EDUCATION AND LIBRARIES	
The Charter contains a number of provisions regarding the organization and operations of the courts, and of the school district and the community college district.	Material that need not be in the Charter relating to the courts and the school district and community college district would be removed. These provisions may be deleted because the City has very limited authority in this area, and the subjects are governed by preemptive state law. None of the changes to these areas would substantively affect the rights, powers and duties of existing authorities.
ARTICLE IX: FINANCIAL PROVISIONS	
Contains a great deal of detail regarding the budgetary process and financial procedures. In addition, it addresses procedures for incurring bonded indebtedness and mission-driven budget. Current	Some details relating to the budget process and form of budget would be removed from the Charter. Instead, the Board would be required to adopt ordinances regarding these procedures. The Board would gain

Current	Proposed
important limitation on Board's budgetary power is that Board may not increase appropriations items in a budget or supplemental appropriation without recommendation of the Mayor.	the authority to require City offices and departments to prepare multi-year budgets. A budget would have to include capital improvements and facilities maintenance plans. But basic provisions governing the City's budget process, including deadlines for adoption of the annual appropriations ordinance, the interim budget, and the budget would be retained.
Approval of a budget or appropriation that includes expenditures for a utility in excess of revenue requires a two-thirds vote of the Board.	The Board would be able to increase or decrease almost any appropriation in the proposed budget. However, in making changes, the Board could not go over the total amount proposed by the Mayor for expenditures from a particular funding source, such as the General Fund. The Mayor would continue to have the power to veto in whole or in part any appropriation approved by the Board.
	The proposed revision would not make any substantive changes related to bonded indebtedness, although there would be some streamlining to make the provisions shorter and simpler. The revision would leave intact provisions related to the mission-driven budget.
	The revision would not require a supermajority vote of the Board on a budget or appropriation for a deficit utility.
	The requirement for Board approval of contracts for over 10 years or $1 million would also be retained.
	The Board of Supervisors would retain the authority to order an annual independent audit of the City's financial records, but the Board would also be required to create an audit committee of the Board to work with the auditors.

Current	Proposed
	Many current provisions of the Charter relating to fiscal matters would not be totally eliminated, but would be converted to ordinances and retained in the Administrative Code.
Current provisions of the Charter mandate particular allocations of tax revenues to children's services, library programs, open space acquisition and various cultural, educational and recreational activities.	These provisions would be retained unchanged in the revision.

ARTICLE X:
PERSONNEL ADMINISTRATION

Recent charter amendment created a Department of Human Services, headed by a Director of Human Resources, who is appointed by the Mayor. Civil Service Commission now serves as an appellate body and no longer manages the Department of Human Services.	The proposed revision would not alter the basic structure or powers of the Department of Human Resources under the Director of Human Resources.
	The proposed revision would provide for some additional civil service exempt positions.
Positions in all offices and departments in the City must be filled from lists of eligibles assembled by the Civil Service Commission, except where the position is made exempt from the merit selection process.	New exemptions would include: (1) supervisory and policy level personnel in the Mayor's Office and the City Administrator's Office, (2) chief deputies for all elected officials, (3) a commission secretary for each commission, (4) all heads of agencies and departments unless otherwise provided, (5) all uniformed and non-uniformed deputy heads of departments, and (6) police commanders and Fire Chief's aides. The ratio of exempt to non-exempt employees in the categories in the first list could not exceed the ratio that existed on July 1, 1994.
	Current exemptions from civil service would be carried forward. No limit would apply to these positions.

Current	Proposed
The City makes "provisional" appointments to civil service positions where the City has not given an exam or prepared a list.	Provisional appointments would be limited to three years. Unless the Board of Supervisors extended their appointments, all current provisional employees would be terminated three years after the new Charter took effect. Provisional employees would be eligible for credit on civil service exams for permanent positions.

ARTICLE XI:
EMPLOYEE RELATIONS

The Charter establishes various rules and procedures for collective bargaining with City employee organizations, and contains rules for setting wages where collective bargaining does not apply.	The proposed revision would make no significant changes in these areas. However, many specific provisions would be moved to Appendix A of the proposed revision. As part of the Appendix, these provisions would still have the force and effect of charter law, and could only be changed by charter amendment.

ARTICLE XII:
EMPLOYEE RETIREMENT AND HEALTH SERVICE SYSTEM.

The Charter establishes various health and retirement benefits for City employees.	These provisions would be unchanged. However, many specific provisions, especially the details of various City pension plans, would be moved to Appendix A. These provisions could only be changed by charter amendment.

ARTICLE XIII:
ELECTIONS

Elections are conducted by the Registrar of Voters, who is appointed by the CAO. The Registrar exercises exclusive control over	A Director of the Department of Elections would be appointed by the City Administrator. The Director could only be removed for cause,

Current	Proposed
election related matters. The Registrar can be removed by the CAO only for cause.	subject to appeal to the Civil Service Commission. The Director would propose election-related fees and charges to the Board of Supervisors for approval.
When a vacancy occurs in the Board of Supervisors or other elective office of the City, the Mayor appoints a successor to finish the unexpired term. The Board of Supervisors elects a successor for the rest of the term when there is a vacancy in the office of Mayor.	If there were more than two years left in the unexpired term of any elective officer, the appointed successor would have to stand for election at the next regular election.

ARTICLE XIV: INITIATIVE, REFERENDUM AND RECALL

Includes extensive detail relating to elections.	The proposed revision would make no changes of substance, although there would be some streamlining to make the elections provisions shorter and simpler. A few of the elections provisions would be moved to the Adminstrative Code. The Board of Supervisors would also be required to adopt a local elections code.

ARTICLE XV: ETHICS

Creates an Ethics Commission Contains detailed prohibitions regulating conflicts of interest, many of which overlap but are not identical to State law.	The proposed revision would make no substantive changes regarding the Ethics Commission, although some procedural material would be moved to Appendix C where it could only be changed in the same manner as a charter provision.
Holding salaried offices with the the City and with the state or federal government is prohibited.	Dual officeholding would be prohibited where the City and the state or federal salaries both exceed $2,500 a year.

Current | Proposed

ARTICLE XVI: MISCELLANEOUS PROVISIONS

Provisions governing utility and airport revenue funds, cable cars, the Academy of Sciences, and Charter-mandated allocations of property tax for the Art Commission, Asian Art Commission, Academy of Sciences, Fine Arts Museums, War Memorial, Library and Recreation and Parks, as well as Open Space, Library Preservation, and Children's Funds would be retained unchanged. The City's "transit-first" policy and dedication of revenues for public transit would also remain in the Charter.

The Board of Supervisors' authority to award franchises would be made explicit. Franchises would only be awarded pursuant to a competitive process, and could not be awarded for longer than 25 years.

Initiative ordinances and declarations of policy that currently are set forth in the appendices of the 1932 Charter would not be amended or altered by the adoption of the proposed revision. But those measures would be published in the City's codes rather than as part of the Charter. These measures would continue to be subject to amendment only by the voters.

ARTICLE XVII: DEFINITIONS

A definition of "official misconduct" has been added. "Elector" has been defined as a person registered to vote, rather than merely eligible to vote. And the definition of prohibited discrimination has been expanded.

ARTICLE XVIII: TRANSITION PROVISIONS

Sets operative date of new charter.

Prior law continues except where it is changed.

Includes a 90 day period for Board of Supervisors and Mayor to transfer functions from an agency that ceases to exist to successor agency.

Current | Proposed

Clerk of Board, CAO (City Administrator), Controller, General Manager of Department of Social Services, Secretary/General Manager of Retirement System would succeed to new positions with their old tenure. The term of the Chief Administrative Officer/City Administrator would be five years from his or her initial appointment.

All employees with civil service status in positions that became exempt from civil service under the new Charter would keep their civil service status, and the positions would not become exempt until after they left.

Thomas J. Owen
Deputy City Attorney

City and County of San Francisco: Office of City Attorney

Louise H. Renne,
City Attorney

June 22, 1995

MEMORANDUM

TO: Select Committee On Charter Reform

FROM: Thomas J. Owen
Deputy City Attorney

SUBJECT: Amendments To Second Draft

The following is an overview of the amendments to the Second Draft adopted by the Committee. Section numbers are given as they appeared in the Second Draft; some sections were re-numbered in the Third Draft. Numbers appearing in brackets refer to the amendments as they were numbered on the Committee calendars for May 31/June 1, June 8 and June 15.

ARTICLE I: THE CITY AND COUNTY

No amendments.

ARTICLE II: BOARD OF SUPERVISORS

Section 2.102 was amended to provide that persons appointed to fill vacancies in the Board of Supervisors must stand for election at the next regular election. This requirement would only apply where there were more than two years left in the appointee's term of office. [42]

Section 2.114 was amended to restore the current non-interference provisions governing the Board of Supervisors, with two exceptions. Under the amended language, it would not constitute prohibited interference for an individual member to testify on matters other than specific contract and personnel decisions at a public meeting of a City commission, or for the Board as a whole to adopt ordinances regarding matters other than specific contract and personnel decisions. [19]

Section 2.118, authorizing the Board of Supervisors to set compensation for boards and commissions, was deleted. The Board would still have the authority to set compensation by ordinance under the Board's residual powers. [7]

ARTICLE III: MAYOR

Section 3.100 was amended to restore the current language of the Charter requiring the Mayor to get the agreement of the Board of Supervisors as soon as is reasonably possible with respect to any declaration of emergency or emergency action taken by the Mayor. [15]

Section 3.100 was amended to restore the prohibition on appointment of deputy mayors. [46]

Section 3.100 was amended to clarify that the Board of Supervisors' approval of staffing in the Mayor s office was limited to funding decisions. [80]

Section 3.100 was amended to restore the language requiring the Mayor to devote his or her entire time and attention to the duties of the office, and barring the Mayor from devoting time or attention to any other occupation or business activity. [85]

Section 3.102 was amended to provide that a person elected by the Board of Supervisors to fill a vacancy in the office of Mayor must stand for election at the next regular election. This requirement would only apply where there were more than two years left in that person's term of office. [45]

Section 3.104 was amended to give the City Administrator responsibility for coordinating the issuance of bonds for capital improvements by City departments, with certain specified exceptions. [52]

Sections 3.105 and 9.103 were amended to consolidate and clarify provisions governing the Controller's authority over the expenditures and financial obligations of the City. [82]

ARTICLE IV: COMMISSIONS

Section 4.101 was amended to delete the one-year residency requirement for commissioners. Such a requirement would most likely be held unconstitutional by the courts. [3]

Section 4.101 was amended to clarify that all commission appointments shall reflect the diversity in ethnicity, race, age, and sexual orientation of the City. [95]

Sections 3.100, 4.102 and 4.109 were amended to give boards and commissions, rather than the Mayor, the authority to remove department heads. The Mayor may recommend removal of a department head to the commission, and the commission must act to fire or retain the department head within 30 days. The Chief of Police could still be removed by the Commission or the Mayor. [4]

Section 4.102 was amended to provide that boards and commissions would "approve" rather than "recommend" departmental budgets, subject to the Mayor's and the Board of Supervisors' final authority over the budget. [10]

Section 4.102 was amended to clarify that if the Mayor and the Board of Supervisors want to override departmental policy as set by the commission and the department head, the Mayor and the Board of Supervisors must adopt ordinances on the subject. [67]

Section 4.102 was amended to clarify the provisions barring commissions from interfering in the administration of the departments under them. Except for the purpose of inquiry, the commission must deal with the administration of the department solely through the department head. [89]

Section 4.104, regarding public meetings, was amended to change the term "executive sessions" to "closed sessions." This amendment does not change any of the substantive laws governing when public meetings may be closed. [57]

Section 4.105 was amended to change one sub-heading from "Zoning Variances" to "Zoning Administrator." This amendment does not change the effect of the law, but was intended to make it easier to locate the provisions creating the Zoning Administrator's position. [50]

Section 4.105 was amended to restore to the new Charter limitations on the Zoning Administrator's power to grant variances. Variances may only be granted in accordance with the general and specific rules of the Planning Code. [96]

Section 4.106 was amended to restore the Board of Appeals' authority to hear appeals of decisions and orders of the Zoning Administrator. [49]

Section 4.106 was amended to give the Board of Appeals authority to allow technical non-compliance with the terms of an ordinance. [81]

Section 4.110 was amended to give the Health Commission express authority over City hospitals, emergency medical services, and the general preservation, promotion and protection of the physical and mental health of the City. This amendment would not change the Commission's other powers and duties. [25]

Section 4.113 was amended to prohibit the Recreation and Park Department from building or expanding any structure in Union Square without approval of the Board of Supervisors by a two-thirds vote. [63]

Section 4.113 was amended to restore current language giving the Department of Parking and Traffic authority over garages built under park property. The amendment does not change the requirement that both the Recreation and Park Commission and the Board of Supervisors approve building such garages in the first place. [92]

Section 4.119, which would have established a separate Commission on Housing and Economic Development, was deleted. [21]

Section 4.120 was amended to give the Commission on the Status of Women specific responsibility for developing and recommending policies for the City to reduce the impacts on women and girls of problems such as domestic violence, sexual harassment, employment and health care inequities, and homelessness, as well for advocating on behalf of women and girls in such areas. This amendment would not change the Commission's other powers and duties. [95]

Sections 4.122 and 15.105 were amended to provide that members of the Building Inspection Commission could only be removed for cause. [6]

Section 4.122 was amended to restore the language of Proposition G giving the Building Inspection Commission, rather than the Mayor, the power to appoint and remove a department head. [9]

Section 4.123 was amended to require department heads to appoint "qualified" individuals to fill civil service exempt positions. [38]

Section 4.124 was amended to change references to the "Office of Citizens Complaints" to the "Office of Citizen Complaints." This amendment simply restored the original title of the Office and did not change its powers or duties. [59]

Section 4.124 was amended to authorize the Office of Citizen Complaints to investigate complaints of misconduct by patrol special police officers, and to make explicit the Police Commission's authority to regulate patrol specials. [62]

ARTICLE V: ARTS & CULTURE

Section 5.103 was amended to replace one of the citizen members of the Arts Commission with a media arts representative. [30]

Section 5.103 was amended to give the Arts Commission responsiblity for supporting City-owned community cultural centers. [64]

ARTICLE VI: OTHER CITY OFFICERS

Section 6.100 was amended to restore the current requirement that the City Attorney have ten years experience and the District Attorney and the Public Defender have five years experience prior to election. The section had previously required eight years experience for all three offices. [61]

Section 6.100 was amended to clarify that current elective officers, such as the City Attorney and the Treasurer, would complete their terms of office under the new Charter. [78]

Sections 6.102, 6.06 and 10.104 were amended to restore the positions of Tax Collector and Chief Assistant to the Treasurer to the new Charter, and to give the Tax Collector and his or her civil service-exempt attorney responsibility for the collection of taxes and delinquent revenues on behalf of the City. [94]

Section 6.105 was amended to restore language authorizing the Sheriff to appoint, and at his or her pleasure remove, an attorney, one under-sheriff, one assistant sheriff and one confidential secretary. [97]

Section 6.107 was amended to provide that persons appointed to fill vacancies in elective offices, such as Sheriff or District Attorney, must stand for election at the next regular election. This requirement would only apply where there were more than two years left in the appointee's term of office. [42]

ARTICLE VII: COURTS

Section 7.100 was amended to clarify that court fees would be distributed according to rules set by state law. [56]

Section 7.102 was amended to restore the current provision allowing members of the Juvenile Probation Commission to serve on the Juvenile Justice Commission. [11]

Sections 7.102 and 15.105 were amended to provide that members of the Juvenile Probation Commission could only be removed for cause. [13]

ARTICLE VIII: SCHOOLS & LIBRARIES

Sections 8.100 and 8.101 were amended to clarify that current members of the Board of Education and the Community College Board would complete their terms of office under the new Charter. [78]

Section 8.103 was amended to specifically identify the law establishing the Board of Trustees of the County Law Library. This amendment does not change the Board's powers or duties. [58]

ARTICLE IX: FINANCES

No amendments.

ARTICLE X: PERSONNEL

Sections 10.101 and 10.103 were amended to provide that the authority of the Civil Service Commission and the Human Resources Director to investigate "discrimination" refers to discrimination as defined in Article XVII of the new Charter. The amendment also clarifies how the Human Resources Director would be appointed and removed. [66]

Section 10.102 was amended to clarify the provisions barring the Mayor from interfering in the administration of the civil service system. Except for the purpose of inquiry, the Mayor must deal with the administration of the civil service system solely through the Human Resources Director and the Civil Service Commission. [83]

Section 10.103 was amended to require the Human Resources Director to review City payrolls and verify that everyone being paid has been legally employed by the City. [75]

Section 10.104 was amended to restore the civil service exemption for temporary expert or professional services. [32]

Section 10.104 was amended to restore the civil service exemptions for the assistant sheriff and the attorney to the sheriff. [34]

Section 10.104 was amended to restore the current language exempting construction workers employed under contract on City projects from civil service requirements. [36]

Sections 10.104 and 18.110 were amended, and a new section 10.105 was added, to deal with provisional employees. "Provisional employees" are employees appointed to civil service positions before the City conducts a civil service exam for that job classification. Under the amendment, provisional appointments may not exceed three years, unless the Director of Human Resources certifies that he or she has not been able to give an exam and the Board of Supervisors approves the extension. If the Board does not approve an extension, all current provisional appointments will expire three years after new Charter takes effect. The amendment also provides that all positions that were civil service exempt under the 1932 Charter would be exempt under the new Charter. [37]

Section 10.104 was amended to exempt policy-level positions in the City Administrator's office from civil service. [41]

ARTICLE XI: EMPLOYEE RELATIONS

Section 11.102, containing collective bargaining provisions superseded by last year's Proposition F, was deleted. [40]

ARTICLE XII: RETIREMENT & HEALTH SERVICE

Section 12.201 was amended to eliminate the requirement that the medical director of the Health Services Board, which administers the health insurance program for City employees, be a doctor of medicine with experience administering health plans or comparable work. Under the amendment, the Board would be able to set appropriate standards for choosing the medical director. [74]

ARTICLE XIII: ELECTIONS

Section 14.105 was deleted and its contents transferred to section 13.100 to consolidate provisions requiring the Board of Supervisors to adopt an Elections Code and providing that state law shall govern in the absence of contrary Charter or local Elections Code provisions. [88]

Section 13.103 was amended to clarify that the City's special elections fund shall be reimbursed as necessary each year as part of the annual appropriations ordinance. [86]

Section 13.109 was amended to clarify that the Board of Supervisors would retain discretion over whether to approve election-related fees submitted by the Director of Elections. [87]

ARTICLE XIV: INITIATIVE & REFERENDUM

Section 14.103 was amended to restore the right of the citizens to recall the City Administrator/Chief Administrative Officer, the Controller, or any member of the Board of Education, the Community College Board, the Airport Commission, the Ethics Commission or the Public Utilities Commission. [33]

ARTICLE XV: ETHICS

Sections 15.103 and 16.116 were amended to restore current conflict of interest provisions to the new Charter. [68]

Section 15.105 was amended to eliminate the requirement that commissioners resign their positions before running for elective office. [8]

A new section 15.108 was added, and language was moved from section 13.101 of the Second Draft, providing that no former Mayor or member of the Board of Supervisors may be hired as a City employee until one year has passed since the person left office. The amendment also provides that the one-year limit would not apply to someone elected to a City office or appointed to a City commission. The amendment was intended to improve the organization of the Second Draft by moving the restriction from the Article on elections to the Article on ethics. [85]

ARTICLE XVI: MISCELLANEOUS

Section 16.101 was amended to restore technical language regarding the duty of the Board of Supervisors to obtain a report from the Public Utilities Commission whenever the Board or the voters by initiative decide to issue bonds or otherwise finance the acquisition or construction of public utilities. [69]

A new section 16.102 was added to make the City's current "transit-first" policy part of the new Charter. [76]

Section 16.105 was amended to require the City to allocate sufficient property tax revenues to maintain and operate City-owned community cultural centers. [65]

Section 16.109 was amended to make explicit the Board of Supervisors' authority to grant and regulate franchises, and to clarify the requirements that franchises be awarded by competitive process and for no longer than 25 years. [91]

A new section 16.109 was added to restore to the new Charter language dedicating particular revenues to public transit. [99]

Section 16.112 was amended to restore the Board of Supervisors' powers of inquiry and review, including the power to issue subpoenas, over all City operations. [79]

ARTICLE XVII: DEFINITIONS

Article XVII was amended to add a definition of "official misconduct." [70]

ARTICLE XVIII: TRANSITION

Section 18.100 was amended to provide that individual sections of the transitional provisions may be dropped from future editions of the new Charter as the sections become obsolete, rather than waiting until the last section is satisfied to drop all of the transitional provisions. [55]

Section 18.105 was amended to change the title of "Medical Examiner/Coroner" to "Medical Examiner." This amendment does not change the duties or responsibilities of the position, but gives the position the title now commonly used for this function. [54]

Section 18.105 was amended to reduce the term of office of the current Chief Administrative Officer, who would carry over as City Administrator under the new Charter, from ten years from his initial appointment to five years. The regular term of office of the City Administrator under the new Charter would be five years. [93]

Section 18.108 was amended to provide that any employee holding a civil service position which is converted to an exempt position under the new charter would continue to hold civil service status in that position. [35]

The Committee also adopted motions directing the City Attorney to: (1) correct typographical errors, fix new dates, reconcile internal references, etc., in preparing the Third Draft; and (2) verify that all funds, set-asides, mandatory allocations, etc., have been included, with appropriate language, in the proposed revision.

CITY AND COUNTY OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415)554-7642

June 23, 1995

TO: Select Committee on Charter Reform

FROM: Budget Analyst

SUBJECT: July 11, 1995 Select Committee on Charter Reform Meeting

Item 1 - File 281-94-1

Proposed Action:	Charter Amendment to repeal the 1932 Charter and to enact a new Charter.
Draft:	Third
Section Affected:	The entire Charter of the City and County of San Francisco
Description:	The proposed Charter would repeal the City's existing Charter and replace it with a new Charter which would be implemented on July 1, 1996 for structural and budgetary provisions and July 1, 1997 for powers of the Mayor.

The following is a summary of the differences between the City's existing Charter and the proposed Charter:

Current Charter	Proposed Charter
Charter Size 320 pages and 46 pages of Appendices	94 pages including Appendices
Administrative Provisions Contains references to obsolete programs, procedures and positions and contains detailed administrative procedures that could be transferred to the City's Administrative Code.	Removes obsolete provisions and administrative detail such as references to obsolete programs, procedures and positions. Transfers to Appendices or to the City's Administrative Code two-thirds of the Charter.
Article I: Existence and Powers of the City and County	
Provides the name, boundaries, rights and powers of the City and County of San Francisco. Describes San Francisco as a municipal corporation.	The same except describes San Francisco as a "consolidated City and County."
Article II: Legislative Branch	
Board of Supervisors Size 11 members	Same
Board of Supervisor Salaries Board of Supervisors salaries are currently at the 1982 level of $23,924 and can only be changed by a Charter Amendment.	Same
Supervisors Election Elected at large	Same
Supervisors' Terms Four year terms limited to two successive terms.	Same

Current Charter	Proposed Charter
Supervisors Vacancies Filled by Mayor for balance of term.	Same, except that if more than two years remain in the term, the appointee must stand for election at the next regular election.
Supervisors Meetings Meetings can be held outside City Hall, if properly noticed.	Same
Meeting Quorums A majority of Supervisors constitutes a quorum; Supervisors must vote when a question is put; Supervisors can be excused from voting by a majority of the Supervisors.	Same
Ordinance and Resolutions Ordinances and resolutions are method of enacting policies or laws (except for motions for Board of Supervisors internal business). Ordinances must deal with a single subject except for appropriation ordinances, require majority vote and require two readings.	Same
Board of Supervisors Budgetary Authority The Board of Supervisors is limited to decreasing or rejecting budget items proposed by the Mayor, but may not increase items (except for capital improvements) or propose its own expenditures. The Board of Supervisor's adopted budget is subject to Mayoral veto, line item veto, and line item reduction.	The Board of Supervisors budgetary powers are expanded to permit the Board of Supervisors to initiate programs, increase line items and initiate supplemental appropriation requests within the limits of the balanced budget and of the Fund allocations set by the Mayor, and subject to Mayoral veto, line item veto, and line item reduction.
Budget Strategies Annual budgets and mission driven budgets.	Annual budgets and multi-year budgets (for planning purposes), mission driven budgets and any other budget strategies as required by ordinance.

Current Charter	Proposed Charter
Supplemental Appropriations Supplemental appropriations originate within departments and commissions. Supervisors may approve resolutions urging the Mayor to urge a Commission to urge its department to submit a supplemental appropriation request.	Supervisors would be able to directly initiate supplemental appropriations, subject to available funds and subject to Mayoral veto, line item veto and line item reduction by the Mayor.
Veto Override Veto override requires 8 votes within 30 days.	Same
Emergency Ordinances Ordinances regarding public emergencies affecting life, health, or property require one reading, and require a two-thirds vote of the Board of Supervisors.	Same
Public's Right to Know/Record Keeping Clerk of the Board maintains records which are made available to the public under the Sunshine Ordinance.	Same
Rates and Fees Most rates, fees and charges for City services are set by boards and commissions. Some require review and approval of the Board of Supervisors.	The Board of Supervisors would have the authority to approve or reject all proposed changes in fees and charges except for those fees at the Port, Airport and garbage collection and disposal rates.
Sale or Lease of Real Property Lease of real property for ten years or more or sale of property requires approval through resolution by the Board of Supervisors.	Same
Abandonment of Transit Routes Approved or rejected by ordinance.	Same

Current Charter	Proposed Charter
Fidelity Bonds Far ranging dollar amounts specified for various officials and department heads.	Board of Supervisors would determine which officers would post bonds and in what dollar amounts. The Board of Supervisors would conduct an annual review of bonding requirements.
Declaration of Policy/Legislative Referendum Four Supervisors can place an item on a ballot.	Same
Board of Supervisors Involvement in Departmental Affairs Members of the Board of Supervisors are prohibited from being involved in the day-to-day operation of City departments. Inquiries are limited to ordinances, resolutions, letters filed with the Clerk of the Board of Supervisors or committee inquiries.	Same, except that Supervisors may testify before public meetings of Commissions and Boards regarding administrative matters other than specific contract and personnel decisions, and the Board of Supervisors as a whole may consider and adopt ordinances regarding these same matters.
Budget Analyst Supervisors select the Board's Budget Analyst.	Same
President of the Board of Supervisors Highest vote-getter becomes president and in case of a vacancy the Supervisors select a replacement.	Same
Clerk of the Board of Supervisors Clerk has civil service status.	The Board of Supervisors would appoint and remove the Clerk of the Board. The incumbent Clerk would maintain his Civil Service status.
Staff to the Board of Supervisors Assistant Clerks are appointed by the Clerk of the Board subject to Civil Service. Supervisors are permitted a single Administrative Assistant but they also have a Legislative Assistant whose position is classified as Temporary.	Each member of the Board of Supervisors have two permanent staff positions.

Current Charter	Proposed Charter
Compensation for Elected Officials Elected officials except Supervisors, School Board members and Community College Board members, have their pay set by the Salary Standardization Ordinance (SSO) requiring Supervisors' adoption.	Same
Compensation for Commissioners Specifies different compensation rates for the various commissions.	Compensation for all Commissioners would be set by ordinance, requiring approval of the Mayor and Board of Supervisors
Rejection of Commission Appointments The Supervisors can confirm or reject appointments to the Redevelopment, Port, and the Housing Authority commissions but not the other City commissions.	The Board of Supervisors would have the authority to reject all commission appointments within 30 days.
Article III: Executive Branch – Office of the Mayor	
Budget Preparation The Controller assembles the budget items prepared by City Departments and approved by commissions. The Mayor assembles his budget priorities from the Controller's budget. The Mayor can only cut departments' budgets.	The proposed City Administrator (to replace the City's Chief Administrative Officer) would supervise budget preparations, recommendations and program evaluations for all departments for consideration and action by the Mayor. The Mayor would be able to add, subtract or shift funds within and among departments. The Controller's Office would continue to be involved in budget preparation.
Budget/Appropriation Veto Powers Mayor can veto in whole or by line item, or line item reduction.	Same
Supplemental Appropriations Commissions/departments submit supplemental appropriation requests to the Mayor who may approve, disapprove, or reduce and then submits the request to the Board of Supervisors.	The Mayor would be able to submit supplemental appropriation requests directly to the Board of Supervisors without originating from the Commissions/departments.

Current Charter	Proposed Charter
Speak Before the Board of Supervisors The Mayor can speak before Board or committee meetings.	Same
Acting Mayor The Mayor appoints a Supervisor as Acting Mayor when necessary.	Same
Emergency Powers Requires the Mayor to seek the concurrence of the Board of Supervisors "as soon as is reasonably possible" in any declaration of emergency action.	Same
Vacancies The Mayor fills vacancies in all elective offices.	Same
Measures to Voters The Mayor may submit ordinances or declaration of policy measures to the voters.	Same
Appointing Commissioners The Mayor appoints most commissioners without oversight by the Board of Supervisors, except for confirmation proceedings for appointments to the Redevelopment Commission, Housing Authority, War Memorial, and Port Commission. The Board and other City officers appoint some Commissioners and Board members.	Same except the Supervisors may reject all commission appointments within 30 days. As in the current Charter, the Mayor would have the authority to remove commissioners except those from the Commissions of: Building Inspection, Civil Service, Ethics, Health, Human Services, Juvenile Probation, Public Utilities, Recreation and Park, Port, Airport, Status of Women, Asian Art and Fine Arts, and War Memorial and Performing Arts, who would be subject to specified suspension and removal procedures.

Current Charter	Proposed Charter
Department Head Hiring Commissions hire and fire the directors of City departments.	Commissions submit a list of no less than three qualified candidates for Department Head, and the Mayor must hire from such lists, except for the Building Inspection Commission, which would directly appoint and remove a department head. The Mayor would have the authority to recommend removal of a department head to a Commission, which would be required to act on the Mayor's recommendation within 30 days to either retain or fire the Department head. In the case of the Police Chief, the Mayor or Police Commission would each be able to remove the Chief.
Mayor's Term of Office Four year term limited to two successive terms.	Same
Mayor Vacancy The president of the Board of Supervisors becomes Acting Mayor until the Board of Supervisors appoints a replacement Mayor.	Same
Chief Administrative Officer (CAO) The Mayor appoints the CAO subject to confirmation by the Board of Supervisors. The CAO has responsibility for the Department of Public Works, Registrar of Voters, the Purchasing Office, and other administrative departments. The CAO serves a ten-year term and may be removed by a two-thirds vote by the Board of Supervisors.	The position of CAO would be replaced with the position of City Administrator. The Mayor would appoint the City Administrator to a five-year term subject to Board of Supervisors confirmation. The Mayor would be able to remove the City Administrator with the approval of the Board of Supervisors. The City Administrator would implement the policies of the Mayor and the Board of Supervisors as established by ordinance, and coordinate certain administrative services for all City departments, and coordinate the issuance of bonds for most capital improvements.

Current Charter	Proposed Charter
Controller Appointed for a ten year term and removable only for cause by 2/3 vote of the Board of Supervisors.	Same and the powers and duties are the same.
Article IV: Executive Branch – Boards, Commissions and Departments	
Boards and Commissions -- Size and Composition Commissions and Boards range in size from five members to 62 members, most terms are four years staggered. Members must be registered voters; residency in San Francisco required for commissions; in cases of boards created by ordinance, residency requirement can be waived in unusual cases.	Commission sizes, terms, and composition would remain the same, except for the Planning Commission, where two ex-oficio members (the CAO, and the head of the Department of Transportation) would be replaced with two public members appointed by the Mayor, and the new Charter provides that youth may serve on boards established by ordinance. Appointments to Commissions must be "representative of the communities of interest, neighborhoods, and diversity of ethnicity, race, age, and sexual orientation" in the City and County of San Francisco, "and have representation of both sexes."
Commission Responsibilities Commission duties and responsibilities range from formulating departmental policy, hiring and firing department heads, setting rates and fees and acting as an appellate body for employee grievances.	Commissions would prepare and approve budgets for their Departments, and the Mayor would prepare the budget for the City as a whole, and would have the authority to add or subtract from budgets submitted by Commissions. Department head appointments would be made by the Mayor from a list developed by Commissions, and the Mayor could recommend removal of a Department head, on which recommendation the Commission must act within 30 days to retain or to fire the Department head. Other Commission responsibilities would remain unchanged.

Current Charter	Proposed Charter
Annual Report Commissions are not currently required to provide an annual report.	Commissions would be required to provide an annual report on their activities.
Rules and Regulations Commissions adopt rules and regulations.	Commissions adopt rules and regulations consistent with the Charter and ordinances.
New Charter Commissions The Commission on the Environment is not currently in the City's Charter and the Commission on the Aging is an ordinance Commission.	The proposed Charter would add the Building Inspection Commission to the Charter in accordance with the Nov. 1994 passage of Proposition G, create the Commission on the Environment, and add the Commission on the Aging to the Charter. In addition, the proposed Charter would change the name of the Social Services Commission to the Human Services Commission.
Reorganization of City Departments With the recommendation of the Mayor and the CAO, the Board of Supervisors may create or abolish Departments, and may, by ordinance, confer on Departments additional powers and duties.	City departments may be reorganized by department heads, subject to approval by the City Administrator. Mayor may reorganize duties between departments, except those Departments headed by elected officials and prescribed in the Charter. The Board of Supervisors may veto reorganizations proposed by the Mayor within 30 days.

Current Charter	Proposed Charter
Creation of New Departments Not Applicable	Consolidates environmental functions into the Department of the Environment. The details of these functions would be determined at a later date by ordinance subject to approval of the Mayor and of the Board of Supervisors. Consolidates the Real Estate Department, Purchasing Department and the Department of Electricity and Telecommunications into the Department of Administrative Services. Merges the Assessor and the Recorder's Office into the Assessor-Recorder, as has been done in other California counties.
Article V: Executive Branch – Arts and Culture	
This section includes the following arts and culture departments and commissions; the Arts Commission, Asian Art Museum, Fine Arts Museum and War Memorial and Performing Arts Center.	This section would remain the same.
Article VI: Other Elected Officials	
This section includes the powers and duties of other elected officials which includes the Assessor, the City Attorney, the District Attorney, the Public Defender, the Sheriff and the Treasurer.	The powers and duties of these other elected officials would remain unchanged.
Article VII: Judicial Branch	
Includes Superior and Municipal Courts, Adult Probation and Juvenile Probation.	The proposed Charter would not change the powers and duties of any of the departments under Article VII: Judicial Branch.

Current Charter	Proposed Charter
Article VIII: Education and Libraries	
Includes the Unified School District, the Community College District, the Public Library Commission, and the Law Library.	The proposed Charter would not change the powers and duties of any of the departments under Article VIII: Education and Libraries.
Article IX: Financial Provisions	
Budget Process The Mayor proposes an annual budget within specified time frames. The Board of Supervisors can only reduce items in the proposed budget except capital, and requires mission-based budget (goals, plans, services to be provided and priorities). Requires an interim and final Annual Appropriation Ordinance.	The Mayor would propose the budget and the Board of Supervisors would be able to increase or decrease the budget as long as there is no overall increase to total spending within each fund. The Charter would also require additional multi-year capital budget information and timelines which are to be set by ordinance. The dates by which Board must adopt annual budgets and interim budgets are not changed.
Mayoral Veto The Mayor can line item veto with a possible Board of Supervisors override by a two-thirds vote.	Same
Bonds and Lease Financing Allows for bonds to be issued under State law and local ordinances. Requires voter approval. General obligation bonds are subject to a limitation equal to three percent of the assessed value of all taxable real and personal property. Requires voter approval of revenue bonds and lease financing with certain exceptions.	Would have the same overall controls including voter approval. The detailed provisions would be moved to the City's Administrative Code. The City Administrator would coordinate the issuance of bonds for most capital improvements.
Cash Reserves Requires the City to set aside a fund for cash flow purposes equal to 10 percent of the property tax levy.	Same

Current Charter	Proposed Charter
Audit Committee An audit advisory committee is appointed by the Mayor and the Board of Supervisors.	The Board of Supervisors would establish an audit committee. The audit committee would maintain a direct and separate line of communication between the Board of Supervisors and the City's independent auditor as well as meet with the independent auditor to review the audited annual financial statement and the auditor's report and recommend appropriate action that the Board of Supervisors should take to implement audit recommendations.
Article X: Personnel Administration	
This section covers personnel administration which includes the Civil Service Commission and the Department of Human Resources.	The proposed Charter would not change the powers and duties of any of the departments and commissions under Article X: Personnel Administration, except to provide that provisional appointments may not last longer than three years.
Article XI: Employer-Employee Relations System	
This section establishes employer-employee relations, the Employee Relations Office and the methods of labor negotiating and wage setting as updated by Proposition F (1994).	The proposed Charter would not change the employee-employer relations system. Provisions related to the current wage setting and negotiating systems, disciplinary and exoneration procedures and prevailing wages would be incorporated in the proposed Appendix A-Employment Provisions, which can only changed by the voters.

Current Charter	Proposed Charter
Article XII: Employee Retirement and Health Service Systems	
This Section establishes the Retirement Board/System and the Health Service Board/System.	This section would remain the same except specific sections awarding benefits are moved to Appendix A-Employment Provisions which could not be changed without a charter amendment. The recent addition permitting a retiree to serve on the Retirement Board and Health Service Board would be incorporated in the proposed Charter.
Article XIII: Elections	
This section covers the terms of elective offices of four years and specifies when those elections will occur. In addition, includes provisions in runoff elections, special municipal elections and establishes the Registrar of Voters.	Everything would remain the same in this section except the Registrar of Voters would be re-named the Department of Elections and a Director of Elections would be appointed by the City Administrator, as the current Registrar is appointed by the CAO.
Article XIV: Initiative, Referendum and Recall	
Provides for voter initiated referendums and recall elections	No changes would be made to this section.
Article XV: Ethics	
Includes provisions for an Ethics Commission, financial disclosure, conflict of interest, penalty for official misconduct, suspension and removal, and dual office holdings.	The proposed Charter would bar persons from holding a position with the City while being employed with the State or Federal governments, provided the annual salary for the City position exceeds $2,500. Other provisions would remain the same.

Current Charter	Proposed Charter
Article XVI: Miscellaneous Provisions	
This section includes cable car routes, City acquisition of utilities, Utility Revenue and expenditures, Airport Revenue Funds, Cultural, Educational and Recreational Appropriations, California Academy of Sciences, Open Space Fund, Children's Fund, Library Preservation Fund, Recreation and Parks; Buildings and Lands, and Franchises.	This section is substantially the same. The new Charter broadens the City's "transit first" policy to apply to other Departments. The new Charter also makes explicit the Board of Supervisors authority to grant and regulate franchises, and limits franchises to 25 years duration.
Article XVII: Definitions	
Provides definitions of terms including "business day", "discrimination" and "elector".	The definitions would not change in the proposed Charter, except for the addition of "Domestic partners," defined as those persons registered pursuant to the Domestic Partner ordinance, and defines "official misconduct," as "any wrongful behavior by a public officer in relation to the duties of office," and any refusal or neglect of the duties of office. This section expands the Charter's human rights provisions to provide for non-discrimination based on parental status, domestic partnership, and gender identity.
Article XVIII: Transition Provisions	
The current Charter does not include this section.	This section would contain transition provisions that, once implemented, would be stricken from the Charter. This section transfers 108 sections from the 1932 Charter to the City's Administrative Code that are procedural in nature.

Current Charter	Proposed Charter
Initiative Ordinances Initiative ordinances are attached to the current Charter.	Initiatives ordinances would not be attached to the proposed Charter, but included in the City's Administrative Code.
Revision of Rules and Regulations Not applicable	Following adoption of the proposed Charter, departments would review their rules and regulations and revise, if need be, to conform with the proposed Charter.
Protection of Incumbent Officers and Employees Not applicable	Would protect the Civil Service rights of all officers and employees in cases where the proposed Charter would provide for changes or transfer of functions.
Changes in Offices and Positions Not applicable	This section would clarify the roles and protect the incumbency rights, of certain officers (i.e. Controller's term would continue; the Clerk of the Board would retain his Civil Service rights; the General Manager of Social Service would become the Director of Human Services; the incumbent County Clerk-Recorder would maintain his civil service status when the office is merged with the Assessor's Office). Provides that the current CAO would become the City Administrator for a term of five years from his initial appointment.

Current Charter	Proposed Charter
Provisional Appointments There are some City employees who have provisional appointments. According to the Department of Human Resources, there are currently approximately 2,270 provisional appointments. Provisional appointments mean an employee may hold a job provided that the employee passes the relevant Civil Service exam when it is offered. Because of their provisional status, these employees do not receive retirement benefits or step pay increases.	This section would create a system to make most provisional City employees permanent within three years after the passage of the proposed Charter.

Effect on the Cost of Government:

The Controller reports that the proposed new Charter would neither increase nor decrease the cost to City government.

Comments:

1. The proposed consolidation of the Real Estate Department, Purchasing Department and the Department of Electricity and Telecommunications into the Department of Administrative Services could result in savings to the City if various administrative positions and functions are merged and positions are eliminated. Creation of the proposed Department of the Environment could also result in savings to the City if administrative positions and functions related to environmental functions now assigned to various City departments are merged and positions are eliminated.

2. Article XVIII, Section 18.110 of the proposed new Charter, establishes a procedure which could make all provisional City employees permanent within three years after passage of the proposed Charter. Becoming permanent requires Civil Service to conduct an exam and the incumbent to pass the exam. There would be a cost to the City in providing retirement benefits to such permanent employees which are not provided to provisional employees.

According to the Department of Human Resources, there are approximately 2,270 provisional City employees. As a rough estimate, at an average annual salary of $50,000 and the City's FY 1995-96 retirement contribution rate of 4.98 percent, the annual increased cost to the City to make these provisional employees permanent would be approximately $5,652,300 (2,270 employees x $50,000 average salary x 4.98% retirement contribution rate). According to Mr. Wendell Pryor of the Department of Human Resources, it is the policy of the Civil Service Commission to conduct exams, and to maintain current lists of eligibles in a timely manner to limit the number of provisional employees. Thus, even if the proposed new Charter were not approved by the voters, the City would incur increased costs associated with making provisional employees permanent, as well as some savings associated with decreasing the Departmental time and effort involved in provisional hiring processes.

3. There are currently 24 commissions and boards with a total of 234 members in the City and County of San Francisco. Of those, ten do not receive any form of compensation. Of the remaining 14 boards and commissions, ten receive $1,200 annually, two receive $15 per meeting, and two receive $25 per meeting. The total cost to the City for these commissioners' compensation is approximately $105,000 annually. The new Charter deletes these specified compensation levels and provides that compensation for commissioners would be set by ordinance.

4. The proposed new Charter continues to provide for Patrol Special Police Officers (PSOs), as exist in the current Charter. PSOs receive Police Officer training and work at special beats or territories as fixed by the Police Commission. The proposed new Charter would provide that the Police Commission sets policy regarding PSOs and would provide that PSOs are subject to the same inquiry process under the Office of Citizen Complaints as is the case for regular Police Officers.

Memo to Select Committee on Charter Reform
July 11, 1995 Select Committee on Charter Reform Meeting

Harvey M. Rose

cc: Supervisor Kaufman
Supervisor Leal
Supervisor Teng
President Shelley
Supervisor Alioto
Supervisor Ammiano
Supervisor Bierman
Supervisor Hallinan
Supervisor Hsieh
Supervisor Kennedy
Supervisor Migden
Clerk of the Board
Chief Administrative Officer
Controller
Teresa Serata
Robert Oakes
Ted Lakey

File No. 281-94-1 THIRD DRAFT

THE CHARTER OF THE CITY AND COUNTY OF SAN FRANCISCO

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Preamble

In order to obtain the full benefit of home rule granted by the Constitution of the State of California; to improve the quality of urban life; to encourage the participation of all persons and all sectors in the affairs of the City and County; to enable municipal government to meet the needs of the people effectively and efficiently; to provide for accountability and ethics in public service; to foster social harmony and cohesion; and to assure equality of opportunity for every resident:

We, the people of the City and County of San Francisco, ordain and establish this Charter as the fundamental law of the City and County.

Article I: Existence and Powers of the City and County

SEC. 1.100. NAME AND BOUNDARIES.

The City and County of San Francisco shall continue as a consolidated city and county with such boundaries as are prescribed by law, pursuant to this Charter and the laws of the State of California.

SEC. 1.101. RIGHTS AND POWERS.

The City and County of San Francisco may make and enforce all ordinances and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this Charter. The City and County may make and enforce within its limits all local police, sanitary and other ordinances and regulations. The City and County may appear, sue and defend in all courts in all matters and proceedings.

All rights and powers of a city and county which are not vested in another officer or entity by this Charter shall be exercised by the Board of Supervisors.

Article II: Legislative Branch

SEC. 2.100. COMPOSITION AND SALARY.

The Board of Supervisors shall consist of eleven members elected at large. Members of the Board shall be paid a salary of $23,924.

SEC. 2.101. TERM OF OFFICE.

Each member of the Board of Supervisors shall be elected at a general election and shall serve a four-year term commencing on the eighth day in January following election and until a successor qualifies. The respective terms of office of the members of the Board of Supervisors in effect on the date this Charter is adopted shall continue.

No person elected or appointed as a Supervisor may serve as such for more than two successive four-year terms. Any person appointed to the office of Supervisor to complete in excess of two years of a four-year term shall be deemed, for the purpose of this section, to have served one full term. No person having served two successive four-year terms may serve as a Supervisor, either by election or appointment, until at least four years after the expiration of the second successive term in office. Any Supervisor who resigns with less than two full years remaining until the expiration of the term shall be deemed, for the purposes of this section, to have served a full four-year term.

SEC. 2.102. VACANCIES.

If a vacancy shall exist on the Board of Supervisors because of the death, resignation, permanent disability or the inability of a member to otherwise carry out the responsibilities of the office, the Mayor shall appoint a qualified successor. Should more than 29 months remain in the unexpired term, the appointee shall serve until the next general municipal or statewide election occurring not less than 120 days after the appointment, at which time an election shall be held to fill the unexpired term.

SEC. 2.103. MEETINGS.

The Board of Supervisors shall meet at the legislative chambers in City Hall at 12:00 noon on the eighth day in January in each odd-numbered year. Thereafter, regular meetings shall be held on such dates and at such times as shall be fixed by resolution. Special meetings shall be called in the manner established by the Board of Supervisors. With proper public notice, as prescribed by ordinance, the Board of Supervisors or Board committees may hold meetings in locations other than City Hall.

SEC. 2.104. QUORUM.

The presence of a majority of the members of the Board of Supervisors at a regular or special meeting shall constitute a quorum for the transaction of business. In the absence of a quorum, a smaller number of members may compel the attendance of absent members in the manner and under the penalties established by the Board of Supervisors.

The Board of Supervisors shall act by a majority, two-thirds, three-fourths, or other vote of all members of the Board. Each member present at a regular or special meeting shall vote "yes" or "no" when a question is put, unless excused from voting by a motion adopted by a majority of the members present.

SEC. 2.105. ORDINANCES AND RESOLUTIONS.

The Board of Supervisors shall meet and transact its business according to rules which it shall adopt.

The Board of Supervisors shall act only by written ordinance or resolution, except that it may act by motion on matters over which the Board of Supervisors has exclusive jurisdiction. All legislative acts shall be by ordinance. An ordinance or resolution may be introduced before the Board of Supervisors by a member of the Board, a committee of the Board or the Mayor, and shall be referred to and reported upon by an appropriate committee of the Board. An ordinance or resolution may be prepared in committee and reported out to the full Board for action, consistent with the public notice laws of the City. Except as otherwise provided in this Charter, passage of an ordinance or a resolution shall require the affirmative vote of a majority of the members of the Board.

An ordinance shall deal with only one subject matter, except that appropriations ordinances may cover appropriations with respect to any number of subjects. The title of each ordinance shall clearly reflect the content of the ordinance.

Except as otherwise provided in Section 2.107, passage of an ordinance shall require two readings at separate meetings of the Board of Supervisors, which shall be held at least five days apart. If an ordinance is amended at its second reading, the ordinance shall require a further reading prior to final passage. Resolutions shall require only one reading and may be adopted upon introduction without reference to committee by unanimous affirmative vote of the members of the Board of Supervisors who are present, but in no event less than a quorum.

All ordinances shall take effect no sooner than 30 days following the date of passage except for ordinances not subject to referendum and those authorizing bonded indebtedness and lease financings, which shall take effect immediately. Ordinances granting franchises shall take effect no sooner than 60 days after passage. No ordinance granting a franchise may be passed within 90 days of its introduction. Resolutions may take effect immediately upon passage, or at such other time as shall be specified in the resolutions.

SEC. 2.106. VETO OVERRIDE.

The Board of Supervisors may enact an ordinance or resolution which has been vetoed by the Mayor pursuant to Section 3.103 if, within 30 days after such veto, not less than two-thirds of the Board of Supervisors shall vote in favor of such measure, except as provided in Section 9.104. If a larger vote is required for the adoption of the measure by provisions of this Charter, such larger vote shall be required to overcome the veto of the Mayor.

SEC. 2.107. EMERGENCY ORDINANCES.

An emergency ordinance may be passed in cases of public emergency affecting life, health, property, or for the uninterrupted operation of any City or County department or office required to comply with time limitations as established by law. Emergency ordinances shall require only one reading, and the affirmative vote of two-thirds of the Board of Supervisors shall be required for the passage of an emergency ordinance.

The form and manner of introduction of an emergency ordinance shall be as required for ordinances generally. In addition, an emergency ordinance shall contain:

1. A declaration setting forth the existence of the emergency;

2. A clear and concise description thereof; and

3. An explanation of how the measures in the ordinance will address the emergency.

An emergency ordinance shall be effective upon passage and shall automatically terminate on the 61st day following passage. An emergency ordinance may be reenacted upon the same terms and conditions applicable to its initial enactment. Any appropriation contained in an emergency ordinance shall be deemed to be an amendment to the final appropriations ordinance.

An emergency ordinance may suspend specific sections of this Charter, but may not: levy taxes; grant, renew or extend a franchise; regulate the rate charged by any public utility for its services; set salaries; issue bonds; or buy, sell or lease land.

SEC. 2.108. PUBLIC'S RIGHT TO KNOW.

The Board of Supervisors shall adopt and maintain a Sunshine Ordinance to liberally provide for the public's access to their government meetings, documents and records.

The Clerk of the Board of Supervisors shall keep a permanent public record of the proceedings of the Board showing all action considered and taken, the text of ordinances and resolutions voted upon and the vote of each member of the Board regarding any matter before the Board. The Clerk of the Board shall cause the text of all ordinances or resolutions passed by the Board to be readily available to the public.

SEC. 2.109. RATES, FEES AND SIMILAR CHARGES.

Within 30 days of submission by the Mayor, the Board of Supervisors shall approve by ordinance or reject any rate, fee or similar charge to be imposed by any department, official, board or commission, except those rates, fees and similar charges established by the Port or Airport Commissions, or under the Refuse Collection and Disposal Ordinance of November 8, 1932, as amended.

SEC. 2.110. SALE OR LEASE OF REAL PROPERTY.

Any lease of real property for a period of ten or more years, including options to renew, under which the City and County is a lessor, and any sale or other transfer of real property owned by the City and County, shall be approved by resolution of the Board of Supervisors, prior to such lease or sale. Leases of property under the jurisdiction of the Port Commission for maritime use shall be exempt from the requirements of this section.

SEC. 2.111. ABANDONMENT OF TRANSIT ROUTES.

Any abandonment of a transit route by any department of the City and County shall be reviewed for approval or rejection by the Board of Supervisors in a manner prescribed by ordinance.

SEC. 2.112. FIDELITY BONDS.

The Board of Supervisors shall determine which officials of the City and County shall be required to post fidelity bonds and the respective amounts of any such bonds. An annual review of bonding requirements shall be conducted by the Board of Supervisors.

SEC. 2.113. LEGISLATIVE INITIATIVE.

The Board of Supervisors, or four or more members, may submit to the voters declarations of policy, and any matter which the Board of Supervisors is empowered to pass.

Upon approval by the voters, the Board of Supervisors shall within 90 days of such approval take such actions within their powers as shall be necessary to carry such declarations of policy into effect. A special municipal election shall not be called with respect to a declaration of policy.

SEC. 2.114. NON-INTERFERENCE IN ADMINISTRATION.

Except for the purpose of inquiry, the Board of Supervisors shall deal with the administrative service for which the City Administrator is responsible solely through such officer, and for administrative or other functions for which elective officials or boards or commissions are responsible solely through the elective official, the board or commission or the chief executive officer of such board or commission concerned, or their designees.

Neither the Board of Supervisors, its committees, nor any of its members, shall have any power or authority, nor shall they dictate, suggest or interfere with respect to any appointment, promotion, compensation, disciplinary action, contract or requisition for purchase or other administrative actions or recommendations of the City Administrator or of department heads under the City Administrator or under the respective boards and commissions. The Board of Supervisors shall deal with administrative matters only in the manner provided by this Charter, and any dictation, suggestion or interference herein prohibited on the part of any Supervisor shall constitute official misconduct; provided, however, that nothing herein contained shall restrict the power of hearing and inquiry as provided in this Charter.

Notwithstanding any other provisions of this section, it shall not constitute prohibited interference for a member of the Board of Supervisors to testify regarding administrative matters other than specific contract and personnel decisions at a public meeting of a City board, commission, task force or other appointive body, or for the Board of Supervisors to adopt legislation regarding administrative matters other than specific contract and personnel decisions.

Violation of this section shall constitute official misconduct.

SEC. 2.115. FINANCIAL AUDIT.

The Board of Supervisors shall select a firm or firms of independent accountants to audit and report upon the annual financial statements of the City and County.

SEC. 2.116. PRESIDENT OF THE BOARD OF SUPERVISORS.

At its regular meeting on the eighth day of January in odd-numbered years, the position of President of the Board of Supervisors shall be assumed by the member who received the highest number of votes at the last preceding Supervisorial election. If a vacancy in the office of President of the Board of Supervisors shall occur prior to the end of the term, the Board of Supervisors shall elect one of its members to fill the unexpired portion of the term. The President shall preside at all meetings, appoint all standing and special committees, assign legislation to committees, and have such other powers and duties as may be assigned by the Board of Supervisors.

SEC. 2.117. OFFICES OF THE BOARD OF SUPERVISORS.

Each member of the Board of Supervisors shall have two staff members pursuant to Section 10.104. The Board of Supervisors shall appoint a Clerk of the Board. The Clerk of the Board shall have charge of the office and records of the Board and its committees and its classified staff. The Clerk shall keep a public record of the proceedings of the board as provided by Section 2.108 of this Charter and shall keep properly indexed files of all ordinances and resolutions. The Clerk shall be responsible for the publication, as required by law, of ordinances, resolutions and other matters acted on by the Board for which publication is specified. The Clerk shall have such other duties and responsibilities as the Board of Supervisors may prescribe.

The Board of Supervisors shall appoint and may remove a Budget Analyst and such appointment shall be made solely on the basis of qualifications by education, training and experience for the position to be filled. The Budget Analyst shall be responsible for such duties as the Board of Supervisors shall prescribe.

Article III: Executive Branch-Office of Mayor

SEC. 3.100. POWERS AND RESPONSIBILITIES.

The Mayor shall be the chief executive officer and the official representative of the City and County, and shall serve full time in that capacity. The Mayor shall devote his or her entire time and attention to the duties of the office, and shall not devote time or attention to any other occupation or business activity. The Mayor shall enforce all laws relating to the City and County, and accept service of process on its behalf.

The Mayor shall have responsibility for:

1. General administration and oversight of all departments and governmental units in the executive branch of the City and County;

2. Coordination of all intergovernmental activities of the City and County;

3. Receipt and examination of complaints relating to the administration of the affairs of the City and County, and timely delivery of notice to the complainant of findings and actions taken;

4. Assurance that appointees to various governmental positions with the City and County are qualified and are as representative of the communities of interest and diverse population of the City and County as is reasonably practicable, and are representative of both sexes;

5. Submission of ordinances and resolutions by the executive branch for consideration by the Board of Supervisors;

6. Presentation before the Board of Supervisors of a policies and priorities statement setting forth the Mayor's policies and budget priorities for the City and County for the ensuing fiscal year;

7. Introduction before the Board of Supervisors of the annual proposed budget or multi-year budget which shall be initiated and prepared by the Mayor. The Mayor shall seek comments and recommendations on the proposed budget from the various commissions, officers and departments; and

8. Preparation of and introduction to the Board of Supervisors of supplemental appropriations.

The Mayor shall have the power to:

9. Speak and be heard with respect to any matter at any meeting of the Board of Supervisors or any of its committees, and shall have a seat but no vote on all boards and commissions appointed by the Mayor;

10. As provided in Section 3.103 of this Charter, veto any ordinance or resolution passed by the Board of Supervisors;

11. Subject to the fiscal provisions of this Charter and budgetary approval by the Board of Supervisors, appoint such staff as may be needed to perform the duties and carry out the responsibilities of the Mayor's office, provided that no member of the staff shall receive a salary in excess of seventy percent of that paid the Mayor. For purposes of this provision, staff does not include the City Administrator, department heads or employees of departments placed under his or her direction by Section 3.104. Notwithstanding any other provisions or limitations of this Charter to the contrary, the Mayor may not designate nor may the City and County employ on the Mayor's behalf any person to act as deputy to the Mayor or any similar employment classification, regardless of title, whose responsibilities include but are not necessarily limited to supervision of the administration of any department for which the City Administrator, an elected official other than the Mayor or an appointed board or commission is assigned responsibility elsewhere in this Charter;

12. Designate a member of the Board of Supervisors to act as Mayor in the Mayor's absence from the state or during a period of temporary disability;

13. In the case of an emergency threatening the lives, property or welfare of the City and County or its citizens, the Mayor may direct the personnel and resources of any department, command the aid of other persons, and do whatever else the Mayor may deem necessary to meet the emergency;

In meeting an emergency, the Mayor shall act only with the concurrence of the Board of Supervisors, or a majority of its members immediately available if the emergency causes any member of the Board to be absent. The Mayor shall seek the Board's concurrence as soon as is reasonably possible in both the declaration of an emergency and in the action taken to meet the emergency. Normal notice, posting and agenda requirements for the Board of Supervisors shall not be applicable to the Board's actions pursuant to these provisions;

14. Make an appointment to fill any vacancy in an elective office of the City and County until a successor shall have been elected;

15. Submit to the voters a declaration of policy or ordinance on any matter on which the Board of Supervisors is empowered to pass;

16. Have and exercise such other powers as are provided by this Charter or by law for the chief executive officer of a City and County;

17. Unless otherwise specifically provided, make appointments to boards and commissions which shall be effective immediately and remain so, unless rejected by the Board of Supervisors within 30 days following transmittal of Notice of Appointment. The Notice of Appointment shall include the appointee's qualifications to serve and a statement how the appointment represents the communities of interest, neighborhoods and diverse populations of the City and County;

18. Appoint department heads subject to the provisions of this Charter; and

19. Prepare and submit schedule of rates, fees and other similar charges to the Board of Supervisors.

SEC. 3.101. TERM OF OFFICE.

The Mayor shall serve a four-year term. No person shall serve as mayor for more than two successive terms. A part of a term that exceeds two years shall count as a full term. There shall be no limit on the non-successive terms that a person may serve.

SEC. 3.102. VACANCIES.

If the Mayor is absent from the state or temporarily disabled without designating an Acting Mayor, the President of the Board of Supervisors shall act as Mayor until such time as the Mayor shall return to office.

If the Office of Mayor should become vacant because of death, resignation, permanent disability or the inability to carry out the responsibilities of the office, the President of the Board of Supervisors shall become Acting Mayor and shall serve until a successor is elected by the Board of Supervisors. Should more than 29 months remain in the unexpired term of the Mayor, the successor elected by the Board of Supervisors shall serve until the next general municipal or statewide election occurring not less than 120 days after the Board's action, at which time an election shall be held to fill the unexpired term. In case of a disaster in which neither the Mayor nor the President of the Board of Supervisors is able to serve as Mayor, the order of succession shall be as designated by ordinance.

SEC. 3.103. VETO POWER.

Any ordinance or resolution passed by the Board of Supervisors shall be promptly delivered to the Mayor for consideration. If the Mayor approves the ordinance or resolution, the Mayor shall sign it and it shall become effective as provided in Section 2.105 of this Charter. If the Mayor disapproves the ordinance or resolution, the Mayor shall promptly return it to the Board of Supervisors without the Mayor's signature, accompanied by a statement indicating the reasons for disapproval and any recommendations which the Mayor may have. Any ordinance or resolution so disapproved by the Mayor shall become effective only if, subsequent to its return, it shall be passed by a vote of the Board of Supervisors required by Section 2.106 of this Charter. Any ordinance or resolution shall become effective, with or without the Mayor's signature, unless it is disapproved by the Mayor and returned to the Board of Supervisors not more than ten days after the date the ordinance or resolution was delivered to the Mayor's Office for consideration.

SEC. 3.104. CITY ADMINISTRATOR.

The Mayor shall appoint or reappoint a City Administrator, subject to confirmation by the Board of Supervisors. The appointee shall have at least ten years governmental management or finance experience with at least five years at the city, county, or city and county level. The City Administrator shall have a term of office of five years, and may be removed by the Mayor subject to approval by the Board of Supervisors.

The City Administrator shall have responsibility for:

1. Administrative services within the executive branch, as assigned by the Mayor or by ordinance;

2. Administering policies and procedures regarding bonded or other long-term indebtedness, procurement, contracts and building and occupancy permits, and for assuring that all contracts and permits are issued in a fair and impartial manner and that any inspections involved with the issuance of permits shall be carried out in a like manner;

3. Supervising budget preparations, recommendations and program evaluations for all departments for consideration and action by the Mayor;

4. Coordinating all capital improvement and construction projects except projects solely under the Airport, Port, Public Utilities and Public Transportation Commissions;

5. Preparing and recommending bond measures for consideration by the Mayor and Board of Supervisors; and

6. Administering, budgeting and control of publicity and advertising expenditures.

The City Administrator shall have power to:

7. With the concurrence of the Mayor, appoint and remove the directors of the Departments of Administrative Services, Solid Waste, Public Guardian/Administrator, and Public Works, and such other department heads which are placed under his or her direction;

8. Propose rules governing procurement and contracts to the Board of Supervisors for consideration;

9. Award contracts without interference from the Mayor or Board of Supervisors; and

10. Coordinate the issuance of bonds and notes for capital improvements, equipment and cash flow borrowings, except for projects solely under the the Airport, Port, Public Utilities and Public Transportation Commissions.

In those instances where contract awards are not subject to Board of Supervisors' review, the City Administrator shall award contracts in full compliance with applicable laws and this Charter. The City Administrator's decision in such cases shall be final.

SEC. 3.105. CONTROLLER.

The Mayor shall appoint or reappoint a Controller for a ten-year term, subject to confirmation by the Board of Supervisors. The Controller may only be removed by the Mayor for cause, with the concurrence of the Board of Supervisors by a two-thirds vote.

The Controller shall be responsible for the timely accounting, disbursement or other disposition of monies of the City and County in accordance with sound financial practices applicable to municipalities and counties. The Controller shall have the powers and duties of a county auditor, except as otherwise provided in this Charter. The Controller shall have authority to audit the accounts and operations of all boards, commissions, officers and departments to evaluate their effectiveness and efficiency. The Controller shall have access to, and authority to, examine all documents, records, books and other property of any board, commission, officer or department.

Should the Controller determine at any time during the fiscal year that the revenues of the General Fund, or any special, sequestered or other fund are insufficient or appear to be insufficient to support the remaining anticipated expenditure from that fund for the fiscal year for any department, function or program, the Controller shall reduce or reserve all or a portion of the expenditure appropriation until such time as the Controller determines that the anticipated revenues for the remainder of that fiscal year are sufficient to support the level of expenditure anticipated for the remainder of the fiscal year. Whenever the Controller makes a reduction or reservation, the Controller shall so inform the Mayor and Board of Supervisors within 24 hours.

The Controller shall exercise general supervision over the accounts of all officers, commissions, boards and employees of the City and County charged in any manner with the receipt, collection or disbursement of City and County funds or other funds, in their capacity as City and County officials or employees. The Controller shall establish accounting records, procedures and internal controls with respect to all financial transactions of the City and County. Such records, procedures and controls shall permit the financial statements of the City and County to be prepared in conformity with generally accepted accounting principles applicable to municipalities and counties.

The Controller shall within 150 days of the end of each fiscal year prepare an annual report of the financial condition of the City and County. Such annual report shall be prepared in accordance with generally accepted accounting principles. The annual report shall contain such information and disclosures as shall be necessary to present to the public a full and understandable report of all City and County financial activity.

The Controller shall prepare an impartial financial analysis of each City and County ballot measure which shall include the amount of any increase or decrease in the cost of government of the City and County and its effect upon the cost of government. Such analysis shall be issued in sufficient time to permit inclusion in the voters' pamphlet.

The Controller shall issue from time to time such periodic or special financial reports as may be requested by the Mayor or Board of Supervisors.

All disbursements of funds in the custody of the Treasurer must be authorized by the Controller. No officer or employee shall bind the City and County to expend money unless there is a written contract or other instrument and unless the Controller shall certify that sufficient unencumbered balances are available in the proper fund to meet the payments under such contract or other obligation as these become due.

Article IV: Executive Branch-Boards, Commissions and Departments

SEC. 4.100. GENERAL.

In addition to the office of the Mayor, the executive branch of the City and County shall be composed of departments, appointive boards, commissions and other units of government. To the extent law permits, each appointive board, commission, or other unit of government of the City and County established by state or federal law shall be subject to the provisions of this Article and this Charter.

SEC. 4.101. BOARDS AND COMMISSIONS -- COMPOSITION.

Unless otherwise provided in this Charter, the composition of each appointive board, commission or advisory body of any kind established by this Charter or legislative act of the United States of America, the State of California or the Board of Supervisors shall:

1. Be broadly representative of the communities of interest, neighborhoods, and the diversity in ethnicity, race, age, and sexual orientation of the City and County and have representation of both sexes; and

2. Consist of electors of the City and County at all times during the term of their respective offices, unless otherwise specifically provided in this Charter; or in the case of boards, commissions or advisory bodies established by legislative act the position is (a) designated by ordinance for a person under legal voting age, or (b) unless specifically exempt from the provisions, or waived by the appointing officer or entity upon a finding that an elector with specific experience, skills or qualifications willing to serve could not be located within the City and County.

Vacancies on appointive boards, commissions or other units of government shall be filled for the balance of the unexpired term in the manner prescribed by this Charter or ordinance for initial appointments.

Terms of office shall continue as they existed on the effective date of this Charter.

SEC. 4.102. BOARDS AND COMMISSIONS -- POWERS AND DUTIES.

Unless otherwise provided in this Charter, each appointive board, commission or other unit of government of the executive branch of the City and County shall:

1. Formulate, evaluate and approve goals, objectives, plans and programs and set policies consistent with the overall objectives of the City and County, as established by the Mayor and the Board of Supervisors through the adoption of City legislation;

2. Develop and keep current an Annual Statement of Purpose outlining its areas of jurisdiction, authorities, purpose and goals, subject to review and approval by the Mayor and the Board of Supervisors;

3. After public hearing, approve applicable departmental budgets or any budget modifications or fund transfers requiring the approval of the Board of Supervisors, subject to the Mayor's final authority to initiate, prepare and submit the annual proposed budget on behalf of the executive branch and the Board of Supervisors' authority under Section 9.103;

4. Recommend to the Mayor for submission to the Board of Supervisors rates, fees and similar charges with respect to appropriate items coming within their respective jurisdictions;

5. Unless otherwise specifically provided, submit to the Mayor at least three qualified applicants, and if rejected, to make additional nominations in the same manner, for the position of department head, subject to appointment by the Mayor;

6. Remove a department head; the Mayor may recommend removal of a department head to the commission, and it shall be the commission's duty to act on the Mayor's recommendation by removing or retaining the department head within 30 days; failure to act on the Mayor's recommendation shall constitute official misconduct;

7. Conduct investigations into any aspect of governmental operations within its jurisdiction through the power of inquiry, and make recommendations to the Mayor or the Board of Supervisors;

8. Exercise such other powers and duties as shall be prescribed by the Board of Supervisors; and

9. Appoint an executive secretary to manage the affairs and operations of the board or commission.

In furtherance of the discharge of its responsibilities, an appointive board, commission or other unit of government may:

10. Hold hearings and take testimony; and

11. Retain temporary counsel for specific purposes, subject to the consent of the Mayor and the City Attorney.

Each board or commission, relative to the affairs of its own department, shall deal with administrative matters solely through the department head or his or her designees, and any dictation, suggestion or interference herein prohibited on the part of any member of a board or commission shall constitute official misconduct; provided, however, that nothing herein contained shall restrict the board or commission's powers of hearing and inquiry as provided in this Charter.

SEC. 4.103. BOARDS AND COMMISSIONS -- ANNUAL REPORT.

As of the operative date of this Charter and until this requirement is changed by the Board of Supervisors, each board and commission of the City and County shall be required by ordinance to prepare an annual report describing its activities, and shall file such report with the Mayor and the Clerk of the Board of Supervisors. The Annual Report can be included in the Annual Statement of Purpose as provided for in Section 4.102(2).

SEC. 4.104. BOARDS AND COMMISSIONS -- RULES AND REGULATIONS.

Unless otherwise provided in this Charter, each appointive board, commission or other unit of government of the executive branch of the City and County shall:

1. Adopt rules and regulations consistent with this Charter and ordinances of the City and County. No rule or regulation shall be adopted, amended or repealed, without a public hearing. At least ten days public notice shall be given for such public hearing. All such rules and regulations shall be filed with the Clerk of the Board of Supervisors.

2. Hold meetings open to the public and encourage the participation of interested persons. Except for the actions taken at closed sessions, any action taken at other than a public meeting shall be void. Closed sessions may be held in accordance with applicable state statutes and ordinances of the Board of Supervisors.

3. Keep a record of the proceedings of each regular or special meeting. Such record shall indicate how each member voted on each question. These records, except as may be limited by state law or ordinance, shall be available for public inspection.

The presence of a majority of the members of an appointive board, commission or other unit of government shall constitute a quorum for the transaction of business by such body. Unless otherwise required by this Charter, the affirmative vote of a majority of the members shall be required for the approval of any matter, except that the rules and regulations of the

body may provide that, with respect to matters of procedure the body may act by the affirmative vote of a majority of the members present, so long as the members present constitute a quorum. All appointive boards, commissions or other units of government shall act by a majority, two-thirds, three-fourths or other vote of all members. Each member present at a regular or special meeting shall vote "yes" or "no" when a question is put, unless excused from voting by a motion adopted by a majority of the members present.

SEC. 4.105. PLANNING COMMISSION.

GENERAL

The Planning Commission shall consist of seven members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be removed by the Mayor. The Mayor shall designate the initial two and four year terms of office of the two members replacing the ex officio members under the Charter of 1932.

The Commission shall provide the Mayor with at least three qualified candidates for Director of Planning, selected on the basis of administrative and technical qualifications, with special regard for experience, training and knowledge in the field of city planning.

The Commission may contract with consultants for such services as it may require subject to the fiscal provisions of this Charter.

GENERAL PLAN

The Commission shall periodically recommend to the Board of Supervisors for approval or rejection proposed amendments to the General Plan. If the Board of Supervisors fails to act within 90 days of receipt, the proposed General Plan or amendments shall be deemed approved. The General Plan which will initially consist of the Master Plan in effect immediately prior to the effective date of this Charter shall consist of goals, policies and programs for the future physical development of the City and County that take into consideration social, economic and environmental factors. In developing their recommendations, the Commission shall consult with commissions and elected officials, and shall hold public hearings as part of a comprehensive planning process. The Planning Department, in consultation with other departments and the City Administrator, shall periodically prepare special area, neighborhood and other plans designed to carry out the General Plan, and periodically prepare implementation programs and schedules which link the General Plan to the allocation of local, state and federal resources. The Planning Department may make such other reports and recommendations to the Mayor, Board of Supervisors and other offices and governmental units as it may deem necessary to secure understanding and a systematic effectuation of the General Plan.

In preparing any plans, the Planning Department may include plans for systems and areas within the Bay Region which have a planning relationship with the City and County.

REFERRAL OF CERTAIN MATTERS

The following matters shall, prior to passage by the Board of Supervisors, be submitted for written report by the Planning Department regarding conformity with the General Plan:

1. Proposed ordinances and resolutions concerning the acquisition or vacation of property by, or a change in the use or title of property owned by, the City and County;

2. Subdivisions of land within the City and County;

3. Projects for the construction or improvement of public buildings or structures within the City and County;

4. Project plans for public housing, or publicly assisted private housing in the City and County;

5. Redevelopment project plans within the City and County; and

6. Such other matters as may be prescribed by ordinance.

The Commission shall disapprove any proposed action referred to it upon a finding that such action does not conform to the General Plan. Such a finding may be reversed by a vote of two-thirds of the Board of Supervisors.

All such reports and recommendations shall be issued in a manner and within a time period to be determined by ordinance.

PERMITS AND LICENSES

All permits and licenses dependent on, or affected by, the City Planning Code administered by the Planning Department shall be approved by the Commission prior to issuance. The Commission may delegate this approval function to the Planning Department.

ENFORCEMENT

The Planning Department shall administer and enforce the City Planning Code.

ZONING AMENDMENTS

The Commission may propose for consideration by the Board of Supervisors ordinances regulating or controlling the height, area, bulk, set-back, location, use or related aspects of any building, structure or land. An ordinance proposed by the Board of Supervisors concerning zoning shall be reviewed by the Commission. Applications for the reclassification of property may be made by interested parties and must be reviewed by the Commission.

Notwithstanding the Commission's disapproval of a proposal from the Board of Supervisors or the application of interested parties, the Board of Supervisors may adopt the proposed ordinance; however, in the case of any proposal made by the application of interested parties, any such adoption shall be by a vote of not less than two-thirds of the Board of Supervisors.

No application of interested parties proposing the same or substantially the same ordinance as that disapproved by the Commission or by the Board of Supervisors shall be resubmitted to or reconsidered by the Commission within a period of one year from the effective date of final action upon the earlier application.

ZONING ADMINISTRATOR

The director of planning shall appoint a Zoning Administrator from a list of qualified applicants provided pursuant to the Civil Service provisions of the Charter. The Zoning Administrator shall be responsible for the determination of all zoning variances. The administrator shall have the power to grant only those variances that are consistent with the general purpose and the intent of the zoning ordinance, and in accordance with the general and specific rules of the zoning ordinance, subject to such conditions and safeguards as the Zoning Administrator may impose. The power to grant variances shall be applied only when the plain and literal interpretation and enforcement of the zoning ordinance would result in practical difficulties, unnecessary hardships or where the results would be inconsistent with the general purpose of the zoning ordinance. Decisions of the Zoning Administrator regarding zoning variances may be appealed to the Board of Appeals.

CONDITIONAL USE

The Commission shall have the power to hear and decide conditional use applications. An appeal may be taken to the Board of Supervisors from a decision of the Commission to grant or deny a conditional use application. The Board of Supervisors may disapprove the decision of the Commission by a vote of not less than two-thirds of the members of the Board.

SEC. 4.106. BOARD OF APPEALS.

(a) The Board of Appeals shall consist of five members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be removed by the Mayor.

The Board shall appoint and may remove an executive secretary, who shall serve as department head.

(b) The Board shall hear and determine appeals with respect to any person who has been denied a permit or license, or whose permit or license has been suspended, revoked or withdrawn, or who believes that his or her interest or the public interest will be adversely affected by the grant, denial,

suspension or revocation of a license or permit, except for a permit or license under the jurisdiction of the Recreation and Park Commission or Department, or the Port Commission, or a building or demolition permit for a project that has received a permit or license pursuant to a conditional use authorization.

(c) The Board of Permit Appeals shall hear and determine appeals:

1. Where it is alleged there is error or abuse of discretion in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of the provisions of any ordinance adopted by the Board of Supervisors creating zoning districts or regulating the use of property in the city and county; or

2. From the rulings, decisions and determinations of the Zoning Administrator granting or denying applications for variances from any rule, regulation, restriction or requirement of the zoning or set-back ordinances, or any section thereof. Upon the hearing of such appeals, the Board may affirm, change, or modify the ruling, decision or determination appealed from, or, in lieu thereof, make such other additional determinations as it shall deem proper in the premises, subject to the same limitations as are placed upon the Zoning Administrator by this Charter or by ordinance.

(d) After a hearing and any necessary investigation, the Board may concur in the action of the department involved, or by the affirmative vote of four members (or if a vacancy exists, by a vote of three members) overrule the action of the Department.

Where the Board exercises its authority to modify or overrule the action of a department, it ~~shall~~ ~~state~~ ~~in~~ summary its reasons in writing.

Any variance from a strict application of the terms of an ordinance may be granted only to the extent and under the circumstances the applicant has substantially complied with all legal requirements and has otherwise satisfied the purpose of any relevant rules, regulations and ordinances, and of this Charter.

SEC. 4.107. HUMAN RIGHTS COMMISSION.

The Human Rights Commission shall consist of eleven members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be removed by the Mayor.

The Commission shall:

1. Investigate complaints of unlawful discrimination against any person;

2. Ensure the civil rights of all persons;

3. Ensure that the affirmative action plans of each department of the City and County are current and are being properly implemented; and report on the implementation of such affirmative action plans to the Mayor and Board of Supervisors;

4. Promote understanding among the residents of the City and County and work cooperatively with governmental agencies, community groups and others to eliminate discrimination and the results of past discrimination by furnishing information, guidance and technical assistance;

5. Study, investigate, mediate and make recommendations with respect to the solving of community-wide problems resulting in intergroup tensions and discrimination;

6. Implement the provisions of ordinances prohibiting discrimination in all contracts and subsequent subcontracts, franchises, leases, concessions or other agreements for or on behalf of the City and County; and

7. Issue such rules and regulations for the conduct of its business, and prepare such ordinances with respect to human rights for consideration by the Board of Supervisors as are necessary to carry out the purposes of this section.

In performing its duties, the Commission may hold hearings, issue subpoenas to require witnesses to appear and require the production of evidence, administer oaths, take testimony and issue appropriate orders and petitions for court orders in such manner as may be prescribed by law.

SEC. 4.108. FIRE COMMISSION.

The Fire Commission shall consist of five members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be removed by the Mayor.

SEC. 4.109. POLICE COMMISSION.

The Police Commission shall consist of five members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be removed by the Mayor.

Notwithstanding any other provision of the Charter, the Chief of Police may be removed by the Commission or the Mayor, acting jointly or separately of each other.

SEC. 4.110. HEALTH COMMISSION.

The Health Commission shall consist of seven members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. The Commission shall have less than a majority of direct care providers. Members may be removed by the Mayor only pursuant to Section 15.105. The Commission shall control the property under its jurisdiction.

The Commission and the Department shall manage and control the City and County hospitals, emergency medical services, and in general provide for the preservation, promotion and protection of the physical and mental health of the inhabitants of the City and County, except where the Charter grants such authority to another officer or department. The Commission and the Department may also determine the nature and character of public nuisances and provide for their abatement.

SEC. 4.111. HUMAN SERVICES COMMISSION.

The Human Services Commission shall consist of five members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be removed by the Mayor only pursuant to Section 15.105.

SEC. 4.112. PUBLIC UTILITIES COMMISSION.

The Public Utilities Commission shall consist of five members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be removed by the Mayor only pursuant to Section 15.105.

The Commission shall have charge of the construction, management, supervision, maintenance, extension, operation, use and control of all water and energy supplies and utilities of the City as well as the real, personal and financial assets, which are under the Commission's jurisdiction on the operative date of this Charter, or assigned pursuant to Section 4.128.

SEC. 4.113. RECREATION AND PARK COMMISSION.

The Recreation and Park Commission shall consist of seven members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be removed by the Mayor only pursuant to Section 15.105.

Pursuant to the policies and directives set by the Commission and under the direction and supervision of the General Manager, the Recreation and Park Department shall manage and direct all parks, playgrounds, recreation centers and all other recreation facilities, avenues and grounds under the Commission's control or placed under its jurisdiction thereafter, unless otherwise specifically provided in this Charter.

The Department shall promote and foster a program providing for organized public recreation of the highest standard.

The Department shall issue permits for the use of all property under the Commission's control, pursuant to the policies established by the Commission.

As directed by the Commission, the Department shall administer the Open Space Fund pursuant to Section 16.107 of this Charter.

The Department shall have the power to construct new parks, playgrounds, recreation centers, recreation facilities, squares and grounds, and to erect and maintain buildings and structures on parks, playgrounds, squares, avenues and grounds, provided that all plans, specifications and estimates in connection therewith shall be prepared by the Department of Public Works and be the subject to approval by the Commission, except as follows:

1. No building or structure, except for nurseries, equipment storage facilities and comfort stations, shall be erected, enlarged or expanded in Golden Gate Park or Union Square Park unless such action has been approved by a vote of two-thirds of the Board of Supervisors;

2. No park land may be sold or leased for non-recreational purposes, nor shall any structure on park property be built, maintained or used for non-recreational purposes, unless approved by a vote of the electors. However, with permission of the Commission and approval by the Board of Supervisors, subsurface space under any public park, square or playground may be used for the operation of a public automobile parking station under the authority of the Department of Parking and Traffic, provided that the Commission determines that such a use would not be, in any material respect or degree, detrimental to the original purpose for which a park, square or playground was dedicated or in contravention of the conditions of any grant under which a park, square or playground might have been received. The revenues derived from any such use, less the expenses incurred by the Department of Parking and Traffic in operating these facilities, shall be credited to Recreation and Park Department funds.

3. The Commission shall have the power to lease or rent any stadium or recreation field under its jurisdiction for athletic contests, exhibitions and other special events and may permit the lessee to charge an admission fee.

SEC. 4.114. PORT COMMISSION.

The Port Commission shall consist of five members who shall be appointed by the Mayor, subject to confirmation by a majority of the Board of Supervisors. Each of the members shall serve for a term of four years. They shall be subject to recall, suspension and removal in the same manner as an elected official.

The Commission shall have the composition and organization, and the powers, duties and responsibilities with respect to the Port that are set forth in the Burton Act, Statutes of 1968, Chapter 1333, as amended, and in the Agreement Relating to the Transfer of the Port of San Francisco from the State of California to the City and County, executed on the 24th day of January 1969.

The Commission shall be subject to the provisions of Sections 4.101 through 4.103 of this Charter, so far as those powers and duties are not inconsistent with the Burton Act and the Transfer Agreement as they are referred to in the above paragraph.

SEC. 4.115. AIRPORT COMMISSION.

The Airport Commission shall consist of five members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be removed by the Mayor only pursuant to Section 15.105.

The Commission shall provide the Mayor with at least three qualified candidates for Director of Airports, related on the basis of executive, administrative and technical qualifications.

The Commission shall have charge of the construction, management, supervision, maintenance, extension, operation, use and control of all property, as well as the real, personal and financial assets which are under the Commission's jurisdiction.

Subject to the approval, amendment or rejection of the Board of Supervisors of each issue, the Commission shall have exclusive authority to plan and issue revenue bonds for airport-related purposes.

SEC. 4.116. PARKING AND TRAFFIC COMMISSION.

The Parking and Traffic Commission shall consist of five members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be removed by the Mayor.

If not in conflict with state law, members of the Commission, or its successor, shall serve ex officio as members of the Parking Authority. Any person may serve concurrently as a member of the Parking Authority and the Parking and Traffic Commission. The Commission shall control all property under its jurisdiction.

SEC. 4.117. PUBLIC TRANSPORTATION COMMISSION.

The Public Transportation Commission shall consist of five members who shall be appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be removed by the Mayor. No less than three members of

the Commission shall possess knowledge of, or professional experience in, the field of public transportation. No less than two members of the Commission shall be regular riders of the City's public transportation system, and shall continue to be regular riders during their terms as commissioners.

The Board of Supervisors shall have the power by ordinance to abolish the Parking and Traffic Commission and transfer the functions of the Department of Parking and Traffic into the Public Transportation Commission. Thereafter, the Department of Transportation shall be comprised of a Bureau of Public Transit and a Bureau of Parking and Traffic.

Effective upon the abolishment of the Parking and Traffic Commission, two members shall be appointed by the Mayor to the Public Transportation Commission, which shall increase to seven members, for a term of four years, provided that the respective terms of office of those first appointed shall be one for two years and one for four years. The Commission shall control all property under its jurisdiction.

SEC. 4.118. COMMISSION ON THE ENVIRONMENT.

The Commission on the Environment shall consist of seven members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be removed by the Mayor.

The Department of the Environment shall regularly produce an assessment of San Francisco's environmental condition. It shall also produce and regularly update plans for the long-term environmental sustainability of San Francisco.

Pursuant to the policies and directives set by the Commission, and under the supervision and direction of the department head, the Department shall manage the environmental programs, duties and functions assigned to it pursuant to Section 4.128 or by ordinance.

The Commission shall have the authority to review and make recommendations on any policy proposed for adoption by any City agency regarding conformity with the long-term plans for environmental sustainability, except for those regarding building and land use.

The Commission may investigate and make recommendations to all City agencies related to operations and functions, such as:

1. Solid waste management;
2. Recycling;
3. Energy conservation;
4. Natural resource conservation;
5. Environmental inspections;
6. Toxics;
7. Urban forestry and natural resources;

8. Habitat restoration; and
9. Hazardous materials.

The Commission shall conduct public education and outreach to the community on environmental issues, including, but not limited to each of the categories listed above.

SEC. 4.119. COMMISSION ON THE STATUS OF WOMEN.

The Commission on the Status of Women shall consist of seven members. Commission members shall be appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be removed by the Mayor only pursuant to Section 15.105. The Commission shall develop and recommend policies and practices for the City and County to reduce the particular impacts on women and girls of problems such as as domestic violence, sexual harassment, employment and health care inequity, and homelessness, as well as advocate on behalf of women and girls in such areas. The Commission may be assigned additional duties and functions by ordinance or pursuant to Section 4.128.

SEC. 4.120. COMMISSION ON AGING.

The Commission on Aging shall consist of seven members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be removed by the Mayor. The duties and functions of the Commission shall be assigned pursuant to Section 4.128.

SEC. 4.121. BUILDING INSPECTION COMMISSION.

The Building Inspection Commission shall consist of seven members. Four members shall be appointed by the Mayor for a term of two years. Three members shall be appointed by the President of the Board of Supervisors for a term of two years. Members may be removed by the appointing officer only pursuant to Section 15.105. Vacancies occurring in the offices of appointive members, either during or at the expiration of a term, shall be filled by the appointing officer.

The four Mayoral appointments shall consist of a structural engineer, a licensed architect, a residential builder, and a representative of a community-based non-profit housing development corporation. The three Supervisorial appointments shall consist of a residential tenant, a residential landlord, and a member of the general public.

Notwithstanding any other provision of the Charter, the Commission shall have the power to appoint and remove a department head.

SEC. 4.122. DEPARTMENTS -- GENERAL PROVISIONS.

Except as otherwise provided by this Charter, the responsibilities of each department within the executive branch shall be prescribed by ordinance.

The administration and management of each department within the executive branch shall be the responsibility of the department head.

Such officials may:

1. Appoint qualified individuals to fill all positions within their departments which are exempt from the Civil Service provisions of this Charter;

2. Adopt rules and regulations governing matters within the jurisdiction of their respective departments, subject, if applicable, to Section 4.102; and

3. With the approval of the City Administrator, reorganize their respective departments.

No person serving on a board or commission created by state law to discharge a state function specifically within the City and County may be employed as a paid staff member to a board or commission created by this Charter.

SEC. 4.123. POLICE DEPARTMENT.

The Police Department shall preserve the public peace, prevent and detect crime, and protect the rights of persons and property by enforcing the laws of the United States, the State of California and the City and County.

The Chief of Police may appoint and remove at pleasure special police officers.

The Chief of Police shall have all powers which are now or that may be conferred upon a sheriff by state law with respect to the suppression of any riot, public tumult, disturbance of the public peace or organized resistance against the laws or public authority.

DISTRICT POLICE STATIONS

The Police Department shall maintain and operate district police stations. The Police Commission, subject to the approval by the Board of Supervisors, may establish additional district stations, abandon or relocate any district station, or consolidate any two or more district stations.

OFFICE OF CITIZEN COMPLAINTS

The Police Commission shall have the power and duty to appoint a director of the Office of Citizen Complaints who shall hold office at its

pleasure. The director shall never have been a uniformed member or employee of the department. The director shall be the appointing officer under the civil service provisions of this Charter for the appointment, removal or discipline of employees of the Office of Citizen Complaints.

The Commission shall have the power and duty to organize, reorganize and manage the Office of Citizen Complaints. No full-time or part-time employee of the Office of Citizen Complaints shall have previously served as a uniformed member of the department. Subject to rule of the Police Commission, the director may appoint part-time hearing officers who shall be exempt from the civil service requirements of this Charter. Compensation of the hearing officers shall be at rates recommended by the Commission and established by the Board of Supervisors.

Complaints of police misconduct or allegations that a member of the Police Department has not properly performed a duty shall be promptly, fairly and impartially investigated by staff of the Office of Citizen Complaints. The Office of Citizen Complaints shall investigate all complaints of police misconduct, or that a member of the Police Department has not properly performed a duty, except those complaints which on their face clearly indicate that the acts complained of were proper and those complaints lodged by other members of the Police Department. The Office of Citizen Complaints shall recommend disciplinary action to the Chief of Police on those complaints that are sustained. The director shall schedule hearings before hearing officers when such is requested by the complainant or a member of the department and, in accordance with rules of the Commission, such a hearing will facilitate the fact-finding process. The Office of Citizen Complaints shall in the same manner investigate and make recommendations to the Chief of Police regarding complaints of misconduct by patrol special police officers and their uniformed employees.

Nothing herein shall prohibit the Chief of Police or a commanding officer from investigating the conduct of a member of the department under his or her command, or taking disciplinary or corrective action, otherwise permitted by this Charter, when such is warranted; and nothing herein shall limit or otherwise restrict the disciplinary powers vested in the Chief of Police and the Commission by other provisions of this Charter.

The Office of Citizen Complaints shall prepare in accordance with rules of the Commission monthly summaries of the complaints received and shall prepare recommendations quarterly concerning policies or practices of the department which could be changed or amended to avoid unnecessary tension with the public or a definable segment of the public while insuring effective police services.

In carrying out its objectives the Office of Citizen Complaints shall receive prompt and full cooperation and assistance from all departments, officers and employees of the City and County. The director may also request and the Chief of Police shall require the testimony or attendance of any member of the Police Department to carry out the responsibilities of the Office of Citizen Complaints.

POLICE STAFFING

The police force of the City and County shall at all times consist of not fewer than 1,971 full duty sworn officers. The staffing level of the Police Department shall be maintained with a minimum of 1,971 full duty sworn officers thereafter.

All officers and employees of the City and County are directed to take all acts necessary to implement the provisions of this section. The Board of Supervisors is empowered to adopt ordinances necessary to effectuate the purpose of this section including but not limited to ordinances regulating the scheduling of police training cases.

Further, the Commission shall initiate an annual review to civilianize as many positions as possible to maximize police presence in the communities and submit that report to the Board of Supervisors annually for review and approval.

The number of full duty sworn officers in the Police Department dedicated to neighborhood policing and patrol for fiscal year 1993-1994 shall not be reduced in future years, and all new full duty sworn officers authorized for the Police Department shall also be dedicated to neighborhood community policing, patrol and investigations.

PATROL SPECIAL POLICE OFFICERS

The Commission may appoint patrol special police officers and for cause may suspend or dismiss patrol special police officers after a hearing on charges duly filed with the Commission and after a fair and impartial trial. Patrol special police officers shall be regulated by the Police Commission, which may establish requirements for and procedures to govern the position, including the power of the Chief of Police to suspend a patrol special police officer pending a hearing on charges. Each patrol special police officer shall be at the time of appointment not less than 21 years of age and must possess such physical qualifications as may be required by the Commission.

Patrol special police officers may be designated by the Commission as the owners of a certain beat or territory which may be established or rescinded by the Commission. Patrol special police officers designated as the owners of a certain beat or territory or the legal heirs or representatives of the owners may dispose of their interest in the beat or territory to a person of good moral character, approved by the Police Commission and eligible for appointment as a patrol special police officer.

Commission designation of beats or territories shall not affect the ability of private security companies to provide on-site security services on the inside or at the entrance of any property located in the City and County.

SEC. 4.124. FIRE DEPARTMENT.

The Fire Department shall perform duties and enforce all applicable laws pertaining to the protection from, and the prevention, suppression, control and investigation of fires.

The Fire Chief shall cause the Fire Department to inspect all occupied or vacated structures to determine compliance with applicable laws relative to fire prevention, protection and control and also the protection of persons and property from fire.

The Fire Chief may during a conflagration cause to be removed any structure for the purpose of checking the progress of the conflagration.

SEC. 4.125. DEPARTMENT OF ADMINISTRATIVE SERVICES.

The director of the Department of Administrative Services shall purchase all supplies, equipment and contractual services required by the several departments and offices of the City and County, except as otherwise provided in the Administrative Code. Except in cases of emergency, the director shall not enter into any contract or issue any purchase order unless the Controller shall certify thereon that sufficient unencumbered balances are available in the proper fund to meet the payments under such purchase order or contract as these become due. The director shall have charge of the central warehouses, central storerooms, central garage and shop.

The director shall by rules and regulations approved by the Controller, designate and authorize appropriate personnel within the Department of Administrative Services to exercise the director's signature powers for purchase orders and contract.

The director shall have authority to exchange used materials, supplies and equipment to the advantage of the City and County, advertise for bids, and to sell and otherwise dispose of personal property belonging to the City and County. The director shall have authority to require the transfer of surplus property in any department to stores or to other departments.

The director shall manage all public buildings, facilities and real estate of the City and County, unless otherwise provided for in this Charter.

Additional duties and functions of the Department of Administrative Services shall be assigned the City Administrator, by ordinance or pursuant to Section 4.128.

SEC. 4.126. DEPARTMENT OF PUBLIC WORKS.

The duties and functions of the Department of Public Works shall be assigned by the City Administrator, by ordinance or pursuant to Section 4.128.

SEC. 4.127. COUNTY CLERK.

The County Clerk shall perform all duties of the County Clerk-Recorder until such office is merged into the Office of the Assessor-Recorder pursuant to Section 6.101.

SEC. 4.128. EXECUTIVE BRANCH REORGANIZATION.

The Mayor, by issuing a notice to the Board of Supervisors, may reorganize duties and functions between departments and other units of government within the executive branch. Such reorganization shall become effective 30 days after its issuance unless disapproved by the Board of Supervisors during that time.

A proposed reorganization shall provide for the transfer of:

1. Civil service employees who are engaged in the performance of a function or duty transferred to another office, agency or department; such transfer shall not adversely affect status, position, compensation or pension or retirement rights and privileges;

2. Any unexpended balances of appropriations and other funds available for use in connection with any office, agency, department or function affected by the reorganization; any unexpended balance so transferred shall be used only for the purpose for which the appropriation was originally made, except as this Charter otherwise permits.

Article V: Executive Branch-Arts and Culture

SEC. 5.100. GENERAL.

The arts and culture departments of the City and County shall be the Arts Commission, the Asian Art Museum of San Francisco, the Fine Arts Museums of San Francisco and the War Memorial and Performing Arts Center. These departments shall be a part of the executive branch of City and County government.

The terms of office of all trustees and commissioners shall continue as they existed on the effective date of this Charter. All vacancies shall be filled within 90 days.

The governing boards of the arts and culture departments may accept and shall comply with the terms and conditions of loans, gifts, devises, bequests or agreements donating works of art or other assets to their department without action of the Board of Supervisors so long as acceptance of the same entails no expense for the City and County beyond ordinary care and maintenance.

SEC. 5.101. CHARITABLE TRUST DEPARTMENTS.

For the purposes of this Article, the Asian Art Museum of San Francisco, The Fine Arts Museums of San Francisco and the War Memorial and Performing Arts Center are referred to as the "charitable trust departments."

Nothing in this Article shall be construed to limit or change the powers and responsibilities of the governing boards of the charitable trust departments insofar as they involve administration of the charitable trusts, gifts and contracts for which they are responsible.

The charitable trust departments shall have exclusive charge of the trusts and all other assets under their jurisdiction, which may be acquired by loan, purchase, gift, devise, bequest or otherwise, including any land or buildings set aside for their use. They shall have authority to maintain, operate, manage, repair or reconstruct existing buildings and construct new buildings, and to make and enter into contracts relating thereto, subject, insofar as City funds are to be used, to the budgetary and fiscal provisions of this Charter.

SEC. 5.102. CITY MUSEUMS.

When the term "museums" is used in this Article, unless otherwise specified, it refers to both the Asian Art Museum of San Francisco and The Fine Arts Museums of San Francisco.

Trustees and commissioners of the museums are exempt from the requirement of Section 4.101(2) of this Charter, except that at least a majority of The Fine Arts Museum Board of Trustees shall be residents of the City and County. Members shall serve for three-year terms, and may be removed by the Mayor only pursuant to Section 15.105. Members shall serve without compensation.

The governing boards of the museums shall adopt by-laws providing for the conduct of their affairs, including the appointment of an executive committee which shall have authority to act in such matters as are specified by the governing board.

The governing boards of the museums shall appoint and may remove a director and such other executive and administrative positions as may be necessary. Appointees to such positions need not be residents of the City and County. Notwithstanding any other provision of this Charter, the governing boards may accept and utilize contributions to supplement or pay for the salaries and benefits of these appointees in order to establish competitive compensation, provided that only compensation established pursuant to the salary provisions of this Charter shall be considered for Retirement System purposes.

The governing boards of the museums may insure any loaned exhibit and agree to indemnification and binding arbitration provisions necessary to

insuring exhibitions without action of the Board of Supervisors so long as such agreement entails no expense to the City and County beyond ordinary insurance expense. The Recreation and Park Department shall maintain and care for the grounds of the Museums.

SEC. 5.103. ARTS COMMISSION.

The Arts Commission shall consist of fifteen members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Eleven members shall be practicing arts professionals including two architects, a landscape architect, and representatives of the performing, visual, literary and media arts; and four members shall be lay members. The President of the Planning Commission, or a member of the Commission designated by the President, shall serve ex officio. Members may be removed by the Mayor.

The Commission shall appoint and may remove a director of the department.

The Commission shall encourage artistic awareness, participation and expression; education in the arts; assist independent local groups with the development of their own programs; promote the employment of artists and those skilled in crafts, in the public and private sectors; provide liaison with state and federal agencies to ensure increased funding for the arts from these agencies as well as represent arts issues and policy in the respective governmental bodies; promote the continued availability of living and working space for artists within the City and County; and enlist the aid of all City and County governmental units in the task of ensuring the fullest expression of artistic potential by and among the residents of San Francisco.

In furtherance of the foregoing the Arts Commission shall:

1. Approve the designs for all public structures, any private structure which extends over or upon any public property and any yards, courts, set-backs or usable open spaces which are an integral part of any such structures;

2. Approve the design and location of all works of art before they are acquired, transferred or sold by the City and County, or are placed upon or removed from City and County property, or are altered in any way; maintain and keep an inventory of works of art owned by the City and County; and maintain the works of art owned by the City and County;

3. Promote a neighborhood arts program to encourage and support an active interest in the arts on a local and neighborhood level, assure that the City and County-owned community cultural centers remain open, accessible and vital contributors to the cultural life of the City and County, establish liaison between community groups and develop support for neighborhood artists and arts organizations; and

4. Supervise and control the expenditure of all appropriations made by the Board of Supervisors for the advancement of the visual, performing or literary arts.

Nothing in this section shall be construed to limit or abridge the powers or exclusive jurisdiction of the charitable trust departments or the California Academy of Sciences or the Library Commission over their activities; the land and buildings set aside for their use; or over the other assets entrusted to their care.

SEC. 5.104. ASIAN ART MUSEUM OF SAN FRANCISCO.

The Asian Art Commission shall consist of twenty-seven trustees appointed by the Mayor. In filling vacancies, the Mayor shall solicit nominations from the Commission and shall give due consideration to such nominees in filling such vacancies to the end that the members of the Commission shall be representative of the fields of Asian art and culture by reason of their knowledge, experience, education, training, interest or activity therein.

The Commission shall:

1. Develop and administer that museum which is known as the "Asian Art Museum of San Francisco," or by such other title as may be chosen by not less than two-thirds of the members of the Commission;

2. Control and manage the City and County's Asian art with the Avery Brundage Collection as its nucleus, consistent with the conditions applicable to the Brundage Collection and other gifts;

3. Maintain a charitable foundation or other legal entity for the purpose of developing the Asian Art Museum;

4. Promote, establish and develop an acquisition fund for Asian art objects; and

5. Collaborate with other groups and institutions to extend and deepen the activities necessary to establish the Asian Art Museum as the outstanding center of Asian art and culture in the western world.

SEC. 5.105. THE FINE ARTS MUSEUMS OF SAN FRANCISCO:

The California Palace of Legion of Honor and the M.H. de Young Memorial Museum shall compromise the Fine Arts Museums of San Francisco, or such other title as may be chosen by not less than two-thirds of the trustees of the Fine Arts Museums. The Fine Arts Museums Board of Trustees shall consist of 62 members to be elected by the members of the Board. On a vote of the majority of members, the number of Trustees may be increased or decreased from time to time as needed, provided that the number of Trustees shall not be more than 62, and provided further that a vote to decrease the number shall not affect the power or tenure of any incumbent. The Board may act by majority of the members present at meeting in which a quorum is in attendance.

In selecting members to serve on the Board, the Board of Trustees shall give due consideration to nominees who are broadly representative of the diverse communities of the City and County and knowledgeable in the fields of art and culture, as demonstrated by their experience, training, interest or philanthropic activity.

A quorum of the Board shall consist of one-third of the number of trustees in office at the time. A majority or two-thirds vote of the Board shall mean a majority or two-thirds vote of the number of trustees present at the meeting at which the vote is taken.

The Board is responsible for the protection and conservation of the assets of the Fine Arts Museums and for setting the public course the Museums will follow. The Board shall assure that the Museums are open, accessible and vital contributors to the cultural life of the City and County, and that the Museums' programs bring art appreciation and education to all the people of the City and County.

The Board may enter into agreements with a not-for-profit or other legal entity to develop or operate the museums and to raise and maintain funds for the museums' support.

SEC. 5.106. WAR MEMORIAL AND PERFORMING ARTS CENTER.

The governing board of the War Memorial and Performing Arts Center shall consist of eleven trustees appointed by the Mayor, pursuant to Section 3.100, for four-year terms. In making appointments the Mayor shall give due consideration to veterans and others who have a special interest in the purposes for which the Center exists. Members may be removed by the Mayor only pursuant to Section 15.105.

The governing board shall appoint and may remove a director.

Article VI: Other Elective Officers

SEC. 6.100. DESIGNATION OF OTHER ELECTIVE OFFICERS.

In addition to the officers required to be elected under other Articles of this Charter, the following shall constitute the elective officers of the City and County: the Assessor-Recorder, City Attorney, District Attorney, Public Defender, Sheriff and Treasurer. Each such officer shall be elected for a four-year term and shall serve full time.

The City Attorney shall be licensed to practice law in all courts of the State of California and shall have been so licensed for at least ten years next preceding his or her election. The District Attorney and Public Defender shall each be licensed to practice law in all courts of the State of California and shall have been so licensed for at least five years next preceding his or her election. Such officers shall not engage in the private

practice of law during the period they serve as elective officers of the City and County.

Subject to the powers and duties set forth in this Charter, the officers named in this section shall have such additional powers and duties prescribed by state laws for their respective office. The terms of office in effect for these officers on the date this Charter is adopted shall continue.

SEC. 6.101. ASSESSOR-RECORDER.

The Assessor-Recorder shall:

1. Equitably and effectively administer the property assessment system of the City and County; and

2. Exercise the duties of Assessor and Recorder provided under state law, effective July 1, 1997.

SEC. 6.102. CITY ATTORNEY.

The City Attorney shall:

1. Represent the City and County in legal proceedings with respect to which it has an interest;

2. Represent an officer or official of the City and County when directed to do so by the Board of Supervisors, unless the cause of action exists in favor of the City and County against such officer or official;

3. Whenever a cause of action exists in favor of the City and County, commence legal proceedings when such action is within the knowledge of the City Attorney or when directed to do so by the Board of Supervisors, except for the collection of taxes and delinquent revenues, which shall be performed by the attorney for the Tax Collector;

4. Upon request, provide advice or written opinion to any officer, department head or board, commission or other unit of government of the City and County;

5. Make recommendations for or against the settlement or dismissal of legal proceedings to the Board of Supervisors prior to any such settlement or dismissal. Such proceedings shall be settled or dismissed by ordinance and only upon the recommendation of the City Attorney;

6. Approve as to form all surety bonds, contracts and, prior to enactment, all ordinances; and examine and approve title to all real property to be acquired by the City and County;

7. Prepare, review annually and make available to the public a codification of ordinances of the City and County then in effect;

8. Prepare and make available to the public an annual edition of this Charter complete with all of its amendments and legal annotations; and

9. Establish in the Office of the City Attorney a Bureau of Claims Investigation and Administration which shall have the power to investigate, evaluate and settle for the several boards, commissions and departments all claims for money or damages. The Bureau shall also have the power to investigate incidents where the City faces potential civil liability, and to settle demands before they are presented as claims, within dollar limits provided for by ordinance, from a revolving fund to be established for that purpose. The City Attorney shall appoint a chief of the Bureau who shall serve at his or her pleasure. The chief of the Bureau may appoint, subject to confirmation by the City Attorney, investigators who shall serve at the pleasure of the chief.

SEC. 6.103. DISTRICT ATTORNEY.

The District Attorney shall:

1. Investigate all allegations of violations of laws which the District Attorney has the power to prosecute in court or before any other trier of fact;

2. Prosecute all criminal cases in the appropriate courts and issue warrants for the arrest of persons charged with crimes to be prosecuted in such courts; and

3. Proceed in such civil cases as authorized by state law.

SEC. 6.104. PUBLIC DEFENDER.

The Public Defender shall, upon the request of an accused who is financially unable to employ counsel, or upon order of the Court, defend or give counsel or advice to any person charged with the commission of a crime or in danger of criminal prosecution.

SEC. 6.105. SHERIFF.

The Sheriff shall:

1. Keep the county jail;

2. Receive all prisoners committed to jail by competent authorities;

3. Execute the orders and legal processes issued by courts of the State of California;

4. Upon court order detail necessary bailiffs; and

5. Execute the orders and legal processes issued by the Board of Supervisors or by any legally authorized department or commission.

The Sheriff shall appoint, and at his or her pleasure may remove, an attorney, one under-sheriff, one assistant sheriff and one confidential secretary.

SEC. 6.106. TREASURER.

The Treasurer shall be responsible for the collection of taxes, the receipt of all monies collected by the City and County and their safeguard, deposit and investment in accordance with sound financial practices, and shall be responsible for collection of delinquent revenue. The Treasurer shall appoint a Chief Assistant and a Tax Collector who shall serve at the pleasure of the Treasurer.

SEC. 6.107. VACANCIES.

If the position of Assessor-Recorder, City Attorney, District Attorney, Public Defender, Sheriff or Treasurer shall become vacant because of death, resignation, permanent disability, or the inability of the respective officer to otherwise carry out the responsibilities of the office, the Mayor shall appoint an individual qualified under this Charter and state laws. Should more than 29 months remain in the unexpired term, the appointee shall serve until the next general municipal or statewide election occurring not less than 120 days after the appointment, at which time an election shall be held to fill the unexpired term.

Article VII: Judicial Branch

SEC. 7.100. SUPERIOR AND MUNICIPAL COURTS.

The powers and duties of the Superior and Municipal Courts are as prescribed by state law.

Any fees required to be collected by the Superior Court, Municipal Court or the Clerks of such Courts shall be deposited into the treasury of the City and County and distributed therefrom as provided for by state law.

SEC. 7.101. ADULT PROBATION.

Adult probation is a county function which is prescribed by state law. The Superior Court shall appoint the Chief Adult Probation Officer. The Chief Adult Probation Officer shall appoint such assistants, deputies and employees as may be allowed or provided by the Board of Supervisors.

The Chief Adult Probation Officer, and his or her assistants and deputies, shall have the powers and duties conferred upon such adult probation officers, assistants and deputies by state laws; and such additional duties as may be prescribed by ordinances of the Board of Supervisors.

SEC. 7.102. JUVENILE PROBATION.

The Juvenile Probation Commission shall consist of seven members who shall be appointed by the Mayor, pursuant to Section 3.100, for staggered four-year terms. Two of the members shall be appointed from lists of eligibles submitted to the Mayor by the Superior Court. The Juvenile Probation Department shall be a part of the executive branch.

Members may be removed by the Mayor only pursuant to Section 15.105.

Any member may serve concurrently as a member of the Juvenile Justice Commission created by state law and as a member of the Juvenile Probation Commission herein created.

The Chief Juvenile Probation Officer, assistants and deputies shall have the powers and duties conferred upon such Chief Juvenile Probation Officers, assistants and deputies by state law; and they shall perform all of the duties prescribed by such laws, and such additional duties as may be prescribed by ordinances of the Board of Supervisors.

Article VIII: Education and Libraries

SEC. 8.100. UNIFIED SCHOOL DISTRICT.

The Unified School District shall be under the control and management of a Board of Education composed of seven members who shall be elected by the voters of the Unified School District. A student representative shall serve on the Board in accordance with state law. No member of this Board shall be eligible to serve on the Governing Board of the Community College District. Vacancies occurring on the Board shall be filled for the unexpired term by the Mayor. The compensation for each member shall be $500 per month. The terms of office in effect for Board members on the date this Charter is adopted shall continue.

SEC. 8.101. GOVERNING BOARD OF THE COMMUNITY COLLEGE DISTRICT.

The Community College District shall be under the control and management of a Governing Board composed of seven members who shall be elected by the voters of the Community College District. A student representative shall serve on the Governing Board in accordance with state law. No member of this Board shall be eligible to serve on the Board of Education. Vacancies occurring on the Governing Board shall be filled for the unexpired term by the Mayor. The compensation for each member shall be $500 per month. The terms of office in effect for Board members on the date this Charter is adopted shall continue.

SEC. 8.102. PUBLIC LIBRARIES.

Libraries including the Library Commission and the Library Department shall be a part of the executive branch.

The Commission shall consist of seven members appointed by the Mayor, pursuant to Section 3.100, for four-year terms. Members may be removed by the Mayor.

SEC. 8.103. LAW LIBRARY.

The San Francisco Law Library shall be under the management and control of the Board of Trustees, as established by act of the Legislature approved March 9, 1870. The Board shall consist of seven appointive members of the San Francisco bar, and the Mayor, the Presiding Judge and the three judges of the Appellate Department of the Superior Court, ex-officio. All vacancies on the Board shall be filled by the Board.

Pursuant to state law, the Board shall appoint and at its pleasure may remove a librarian, who shall be its executive officer. The Board shall have complete authority to manage its affairs consistent with this Charter and state law.

Compensation of Law Library personnel shall be fixed by the executive officer of the Law Library, with approval of the Board of Trustees. Subject to the budgetary and fiscal provisions of this Charter, the City and County shall continue to fund the salaries for at least the positions of Librarian, Assistant Librarian and Bookbinder.

The City and County shall provide suitable and sufficient quarters for the Law Library, fix up and furnish the same and provide for the supply of necessary light, heat, stationery and other conveniences. The Library shall be so located as to be readily accessible to the judges and officers of the courts.

The Clerks of the Superior and Municipal Courts shall collect fees provided for law libraries by general law and the fees so collected shall be

paid monthly to the Treasurer of the Law Library, and shall constitute a law library fund to be expended by the Trustees in the purchase of books and periodicals, and in the establishment and maintenance of the Law Library.

The judiciary, city, county and state officials, members of the Bar, and all inhabitants of the City and County shall have free access, use and enjoyment of the Law Library, subject to the rules and regulations of the Trustees.

Article IX: Financial Provisions

SEC. 9.100. BUDGET PROCESS ORDINANCES.

The fiscal year for the City and County shall commence on the first day of July of each year and shall end on the last day of June of the next succeeding year. On or before June 30 of each year, the Board of Supervisors shall, except for equipment and capital improvements, enact an interim appropriation ordinance and not earlier than the 15th day of July, nor later than the first of August of each year, the Board of Supervisors shall adopt the proposed budget as submitted or amended and shall adopt the annual appropriation ordinance accordingly, which shall supersede the interim appropriation ordinance.

The Mayor shall submit and the Board of Supervisors shall act on ordinances with respect to the following:

1. A schedule and procedures for the orderly preparation and submission of the annual proposed budget and for the review and adoption of the necessary interim and final appropriations ordinances;

2. A description of the form of the annual proposed budget and appropriation ordinance consistent with the financial records required by Section 3.105 of this Charter and containing information relating the type and extent of services to be delivered or revenues to be generated to proposed expenditures in a manner which, to the extent feasible, allows comparison of revenue trends as well as expected performance and expenditures between various fiscal years;

3. A procedure to include public participation in the budgetary process which shall include public hearings conducted by the commissions, Mayor and the Board of Supervisors; and

4. The form, content and dates of submission of the City's Capital Improvements and Facilities Maintenance Budgets. The ordinance relating to Capital Improvement and Facilities Maintenance shall minimally:

(a) Require that such budgets be prepared for more than a single year;

(b) Clearly establish distinctions between major, long term construction, replacement and acquisition projects (Capital Improvements) and short term repair, minor replacement and maintenance projects (Facilities Maintenance);

(c) Be consistent as to the date of submission with the time requirements established for the submission of the budget and appropriation ordinance; and

(d) Provide information regarding the estimated completion schedule for Capital Improvements, the funding source for each and the estimated annual operating costs thereof.

SEC. 9.101. PROPOSED ANNUAL AND MULTI-YEAR BUDGETS.

The Mayor shall submit to the Board of Supervisors each year an annual proposed budget, ordinances and resolutions fixing wages and benefits for all classifications and related appropriation ordinances.

The annual proposed budget shall include:

1. Estimated revenues and surpluses from whatever sources, to the extent feasible, for the forthcoming fiscal year and the allocation of such revenues and surpluses to various departments, functions and programs to support expenditures. Proposed expenditures may include such necessary and prudent reserves as recommended by the Controller; and

2. A summary of the annual proposed budget with a narrative description of priorities, services to be provided and economic assumptions used in preparing the revenue estimates. The summary shall also contain a discussion of trends and projections of revenues and expenditures of the City and County for the subsequent four years.

The annual proposed budget and appropriation ordinances shall be balanced so that the proposed expenditures of each fund do not exceed the estimated revenues and surpluses of that fund. If the proposed budget contains new revenue or fees, the Mayor shall submit to the Board of Supervisors the relevant implementing ordinances at the same time the annual budget is submitted.

Until the appropriation ordinances are adopted by the Board of Supervisors, the Mayor may submit to the Board of Supervisors revisions to the annual proposed budget, appropriation ordinances, and ordinances and resolutions fixing wages and benefits.

The Mayor may instruct the Controller to prepare the draft appropriation ordinances.

The Mayor shall file a copy of the annual proposed budget at the Main Library and shall make copies of the budget summary available to the public.

The Board of Supervisors by ordinance may require multi-year budget plans and other budget planning strategies to be performed by the several departments and offices of the City and County.

SEC. 9.102. CERTIFICATION OF REVENUE ESTIMATES.

The Mayor shall submit to the Controller for review the estimated revenues contained in the annual proposed budget and any subsequent revisions. The Controller shall then provide the Board of Supervisors with an opinion regarding the accuracy of economic assumptions underlying the revenue estimates and the reasonableness of such estimates and revisions.

SEC. 9.103. ADOPTION OF APPROPRIATION ORDINANCES.

The Board of Supervisors may amend the annual proposed budget and appropriation ordinances as follows:

1. After review of the Controller's analysis of the Mayor's revenue estimates, the Board of Supervisors may reduce estimated revenues;

2. The Board of Supervisors may increase or decrease any proposed expenditure in the General Fund or any special, sequestered or other fund so long as the aggregate changes do not cause the expenditures from each fund to exceed the amount proposed for expenditures by the Mayor from any such fund; and

3. The Board of Supervisors may increase or decrease any proposed expenditure for Capital Improvements.

SEC. 9.104. VETO OF APPROPRIATIONS.

The Mayor may reduce or reject any expenditure authorized by the Board of Supervisors, except appropriations for bond interest redemption or other fixed charges, within ten days after the adoption of a final annual or supplemental appropriations ordinance. Within ten days of receipt of the Mayor's veto message, the Board of Supervisors may reinstate, in whole or in part, any expenditure reduced or rejected by the Mayor by a vote of two-thirds of its members. In overriding any Mayoral veto, the Board of Supervisors shall not cause the aggregate expenditures for the General Fund or any special, sequestered or other fund in the appropriation ordinances to exceed the Mayor's revenue estimate as allocated to such funds.

SEC. 9.105. MODIFICATIONS.

The Board of Supervisors may authorize the Controller, upon the request of the Mayor, other officials, boards or commissions of the City and County to

transfer previously appropriated amounts within the same fund within the same governmental unit without approval of the Board of Supervisors.

Amendments to the appropriations ordinance, as finally adopted, may be initiated by the Mayor or a member of the Board of Supervisors and adopted in the same manner as other ordinances. No amendment to the appropriations ordinance may be adopted unless the Controller certifies availability of funds.

Any appropriation contained in an emergency ordinance shall be deemed to be an amendment to the final appropriations ordinance.

SEC. 9.106. GENERAL OBLIGATION BONDS.

The Board of Supervisors is hereby authorized to provide for the issuance of general obligation bonds in accordance with the Constitution of the State of California. General obligation bonds may be issued and sold in accordance with state law or any local procedure adopted by ordinance. There shall be a limit on outstanding general obligation bond indebtedness of three percent of the assessed value of all taxable real and personal property, located within the City and County.

SEC. 9.107. REVENUE BONDS.

The Board of Supervisors is hereby authorized to provide for the issuance of revenue bonds. Revenue bonds shall be issued only with the assent of a majority of the voters upon any proposition for the issuance of revenue bonds, except that no voter approval shall be required with respect to revenue bonds:

1. Approved by three-fourths of all the Board of Supervisors if the bonds are to finance buildings, fixtures or equipment which are deemed necessary by the Board of Supervisors to comply with an order of a duly constituted state or federal authority having jurisdiction over the subject matter;

2. Approved by the Board of Supervisors prior to January 1, 1977;

3. Approved by the Board of Supervisors if the bonds are to establish a fund for the purpose of financing or refinancing for acquisition, construction or rehabilitation of housing in the City and County;

4. Authorized and issued by the Port Commission for any Port-related purpose and secured solely by Port revenues, or authorized and issued for any Airport-related purpose and secured solely by Airport revenues;

5. Issued for the purposes of assisting private parties and not-for-profit entities in the financing and refinancing of the

acquisition, construction, reconstruction or equipping of any improvement for industrial, manufacturing, research and development, commercial and energy uses or other facilities and activities incidental thereto, provided the bonds are not secured or payable from any monies of the City and County or its commissions.

6. Issued for the purpose of the reconstruction or replacement of existing water facilities or electric power facilities or combinations of water and electric power facilities under the jurisdiction of the Public Utilities Commission, when authorized by resolution adopted by a three-fourths affirmative vote of all members of the Board of Supervisors.

7. Approved and authorized by the Board of Supervisors and secured solely by an assessment imposed by the City.

Except as expressly provided in this Charter, all revenue bonds may be issued and sold in accordance with state law or any procedure provided for by ordinance.

SEC. 9.108. LEASE FINANCING.

The City and County may enter into lease financing agreements only with the assent of the majority of the voters voting upon any proposition for the authorization of the lease financing. As used in this section, lease financing shall mean any lease or sublease made between the City and County and any public agency or authority, a non-profit corporation or a retirement system for the purpose of financing the acquisition, construction or improvement by the City and County of real property or equipment.

The requirements of this section do not apply to:

1. Any lease financing which was approved in fact or in principle by a resolution or ordinance adopted by the Board of Supervisors prior to April 1, 1977; provided, that if the resolution or ordinance approved the lease financing only in principle, the resolution or ordinance must describe in general terms the public improvements or equipment to be financed; or

2. The amendment or the refunding of a lease financing which is expected to result in net savings in rental payments to the City and County on a present value basis, calculated as provided by ordinance; or

3. Lease financing involving a nonprofit corporation established for the purpose of this subsection for the acquisition of equipment, the obligations or evidence of indebtedness with respect to which shall not exceed in the aggregate at any point in time a principle amount of $20 million, such amount to be increased by five percent each fiscal year commencing with fiscal year 1990-1991; provided, however, that prior to each sale of such obligations or evidence of indebtedness, the

Controller certifies that in his or her opinion the net interest cost to the City will be lower than other financings involving a lease or leases.

SEC. 9.109 REFUNDING BONDS.

The Board of Supervisors is hereby authorized to provide for the issuance of bonds of the City and County for the purpose of refunding any general obligation or revenue bonds of the City and County then outstanding. No voter approval shall be required for the authorization, issuance and sale of refunding bonds, which are expected to result in net debt service savings to the City and County on a present value basis, calculated as provided by ordinance.

SEC. 9.110. BOND ELECTION BY INITIATIVE.

Proceedings for the authorization and issuance of bonds for the acquisition, construction or completion of any public utility or utilities may be initiated by electors in the following manner: Whenever a petition, signed by qualified electors of the City and County equal in number to at least fifteen percent of the votes cast for all candidates for Mayor at the last proceeding general municipal election for Mayor, requesting the Board of Supervisors to submit to the voters of the City and County a proposition or propositions for incurring bonded indebtedness for the acquisition, construction or completion of any public utilities or utilities shall be filed with the director of elections, the Board of Supervisors shall submit to the voters the proposition or propositions for incurring bonded indebtedness of the City and County for purposes or purposes set forth in that petition at the next general municipal, statewide or special municipal election.

SEC. 9.111. GENERAL AUTHORITY.

Except as otherwise expressly provided in this Charter, the City and County and its commissions shall have the authority to incur and refund indebtedness as provided by and pursuant to the general laws of the state as such laws are in force at the time any bonded indebtedness is created or refunded by the City and County or its commissions. The Controller certifications required by Sections 3.105 and 9.113 shall not apply to bonded indebtedness, financing leases or agreements for an exchange of payments based upon interest rates which are entered into in connection with bonded indebtedness or financing leases, provided that the Controller first certifies that sufficient unencumbered balances are expected to be available in the proper fund to meet all payments under such obligations as they become due.

SEC. 9.112. REVENUE BONDS OF THE PORT COMMISSION.

The Port Commission shall have the exclusive power to perform or accomplish issuance of revenue bonds for Port-related purposes, as provided in Section B7.305 of this Charter.

SEC. 9.113. CASH RESERVES.

Unused and unencumbered appropriations or unencumbered balances existing at the close of any fiscal year in revenue or expense appropriations of the City and County for any such fiscal year, but exclusive of revenue or money required by law to be held in school, bond, bond interest, bond redemption, pension, trust, utility or other specific funds, or to be devoted exclusively to specified purposes other than annual appropriations, and together with revenues collected or accruing from any source during such fiscal year, in excess of the estimated revenue from such source as shown by the annual budget and the appropriation ordinance for such fiscal year, shall be transferred by the Controller, at the closing of such fiscal year, to a "Cash Reserve Fund" which may be used only in the manner authorized by Section 6.304 of the Charter of 1932, including the transfer provisions, as codified in the Administrative Code; provided, however, that when the balance in the Cash Reserve Fund equals ten per cent of the current or the last preceding tax levy no such transfer shall be made except on the recommendation of the Controller, the approval of the Mayor and the authorization of the Board of Supervisors.

Such unused and unencumbered appropriations, balance and revenue collections in excess of revenue estimates, as defined in this section when not transferred to the Cash Reserve Fund as hereinbefore in this section required or authorized, shall be held as surplus.

Such surplus shall be taken into account as revenue of the ensuing fiscal year; provided, however, that any such surplus created or existing in any fiscal year may be appropriated by the Board of Supervisors by means of an ordinance designated as a supplemental appropriation ordinance.

In the event the Mayor or a member of the Board of Supervisors recommends a supplemental appropriation ordinance after the adoption of the budget for any fiscal year and prior to the closed of the fiscal year containing any item which had been rejected by the Mayor in his/her review of departmental budget estimates for the fiscal year or which had been rejected by the Board of Supervisors in its consideration of the Mayor's proposed budget for the fiscal year, it shall require a vote of two-thirds of all members of the Board of Supervisors to approve such supplemental appropriation ordinance.

No ordinance or resolution for the expenditure of money, except the annual appropriation ordinance, shall be passed by the Board of Supervisors unless the Controller first certifies to the Board that there is a sufficient unencumbered balance in a fund that may legally be used for such proposed expenditure, and that, in the judgment of the Controller, revenues as

anticipated in the appropriation ordinance for such fiscal year and properly applicable to meet such proposed expenditures will be available in the treasury in sufficient amount to meet the same as it becomes due.

The Board of Supervisors shall have the power to borrow money by the issuance of tax anticipation notes, temporary notes, commercial paper, or any other short-term debt instruments in the manner provided by state law or City ordinance.

SEC. 9.114. MISSION-DRIVEN BUDGET.

Each departmental budget shall describe each proposed activity of that department and the cost of that activity. In addition, each department shall provide the Mayor and the Board of Supervisors with the following details regarding its budget:

1. The overall mission and goals of the department;

2. The specific programs and activities conducted by the department to accomplish its mission and goals;

3. The customer(s) or client(s) served by the department;

4. The service outcome desired by the customer(s) or client(s) of the department's programs and activities;

5. Strategic plans that guide each program or activity;

6. Productivity goals that measure progress toward strategic plans;

7. The total cost of carrying out each program or activity; and

8. The extent to which the department achieved, exceeded or failed to meet its missions, goals, productivity objectives, service objectives, strategic plans and spending constraints identified in subsections (1) through (6) during the prior year.

Departmental budget estimates shall be prepared in such form as the Controller, after consulting with the Mayor, directs in writing.

SEC. 9.115. DEPARTMENTAL BUDGET COMMITMENTS.

It shall be the duty of each officer, department head, board or commission ultimately responsible for the management of each department to certify to the Mayor and the Board of Supervisors his/her commitment to perform the programs and activities with specified levels of performance for specified costs as outlined in the budget description and other information required by Section 9.114.

SEC. 9.116. DEPARTMENTAL SAVINGS AND REVENUE GAINS.

Within 30 days of the Controller's issuance of the combined annual financial report of the City and County, the Controller shall report to the Mayor and Board of Supervisors regarding the extent to which each department in the prior fiscal year has recovered additional revenues measured by the difference between projected and experienced revenues. It shall be City policy for the Mayor and Board of Supervisors, upon receipt of this report, through the supplemental appropriations process to give serious consideration to rewarding those departments that the Controller has certified pursuant to this section exceeded their revenue goals or met or exceeded departmental operational goals expending less than has been projected in the budget.

SEC. 9.117. ESTABLISHMENT OF AUDIT COMMITTEE OF THE BOARD OF SUPERVISORS.

On or before the operative date of this Charter and until this requirement is changed by the Board of Supervisors, the Board of Supervisors shall establish through its rules an Audit Committee.

The Audit Committee shall:

1. Maintain a direct and separate line of communication between the Board of Supervisors and the City and County's independent auditor;

2. Meet with the independent auditor to review the audited annual financial statement and the auditor's report on such matters as the quality and depth of management and compliance;

3. Recommend appropriate action to be taken by the Board of Supervisors to implement recommendations contained in the audit report;

4. Follow up, as necessary, to ensure that approved recommendations are promptly implemented; and

5. Perform other duties as assigned by the Board of Supervisors.

SEC. 9.118. CONTRACT AUTHORITY LIMITATIONS.

Unless otherwise provided for in this Charter, contracts entered into by a department, board or commission having anticipated revenue to the City and County of one million dollars or more, or the modification, amendment or termination of any contract which when entered into had anticipated revenue of one million dollars or more, shall be subject to approval of the Board of Supervisors by resolution.

Unless otherwise provided for in this Charter, and with the exception of construction contracts entered into by the City and County, any other contracts or agreements entered into by a department, board or commission having a term in excess of ten years, or requiring anticipated expenditures by

the City and County of ten million dollars, or the modification or amendments to such contract or agreement having an impact of more than $500,000 shall be subject to approval of the Board of Supervisors by resolution.

Article X: Personnel Administration

SEC. 10.100. CIVIL SERVICE COMMISSION.

There is hereby established a Civil Service Commission which is charged with the duty of providing qualified persons for appointment to the service of the City and County.

The Commission shall consist of five members appointed by the Mayor, pursuant to Section 3.100, for six-year terms. Not less than two members of the Commission shall be women.

The persons so appointed shall, before taking office, make under oath and file in the office of the County Clerk the following declaration: "I am opposed to appointments to the public service as a reward for political activity and will execute the office of Civil Service Commissioner in the spirit of this declaration."

A commissioner may be removed only upon charges preferred in the same manner as in this Charter provided for elective officers.

The regular meetings of the Commission shall be open to the public and held at such a time as will give the general public and employees of the City and County adequate time within which to appear before the Commission after the regular daily working hours of 8:00 a.m. to 5:00 p.m. Such person or persons shall be given an opportunity to be heard by the Commission before final action is taken in any case involving such person or persons.

SEC. 10.101. GENERAL POWERS AND DUTIES.

The Civil Service Commission shall adopt rules, policies and procedures to carry out the civil service merit system provisions of this charter and, except as otherwise provided in this Charter, such rules shall govern applications; examinations; eligibility; duration of eligible lists; certification of eligibles; leaves of absence for employees and officers; appointments; promotions; transfers; resignations; lay-offs or reduction in force, both permanent and temporary, due to lack of work or funds, retrenchment or completion of work; the filling of positions, temporary, seasonal and permanents; classification; and such other matters as are not in conflict with this Charter, provided, however, that the minimum rule for the certification of eligibles shall be the Rule of Three Scores. Changes to the rules may be proposed by members of the Commission or the Human Resources Director and approved or rejected by the Commission. The Commission may, upon ten days' notice, make changes in the rules, which changes shall

thereupon be printed and be in force; provided that no such changes in rules shall affect a case pending before the Commission.

The Commission shall have power to institute and prosecute legal proceedings for violations of any civil service merit system or Department of Human Resources provisions of this Charter.

The Commission shall establish an inspection service for the purpose of investigating the conduct or an action of appointees in all positions and of securing records of service for promotion and other purposes. All departments shall cooperate with the Commission in making its investigations and any person hindering the Commission or its agents shall be subject to suspension.

The Commission shall by rule establish procedures to review and resolve allegations of discrimination as defined in Article XVII of this Charter or otherwise prohibited nepotism or favoritism appealed to it pursuant to this section. The determination reached under Commission procedures shall be final and shall forthwith be enforced by every employee and officer.

The Commission shall have the power to inquire into the operation of the civil service merit system to ensure compliance with merit principles and rules established by the Commission. After such inquiry, the Commission may direct the Human Resources Director to take such action as the Commission believes necessary to carry out the civil service provisions of this Charter. In any hearing conducted by the Commission or by any hearing officer it appoints pursuant to this section, the Commission or the hearing officer shall have the power to subpoena and require the attendance of witnesses and the production of records.

The Commission may require periodic reports from the Human Resources Director in a manner and form which it shall prescribe.

The Commission may hear appeals from an action of the Human Resources Director in accordance with its rules, including but not limited to:

1. Allegations of discrimination as defined in Article XVII of this Charter. Notwithstanding any other provisions of this Charter except the fiscal provisions hereof, the decision of the Commission regarding allegations of discrimination shall forthwith be enforced by every officer and employee;

2. Allegations of fraud; and

3. Allegations of conflict of interest.

No action by the Human Resources Director which is the subject of any appeal shall be stayed during the appeal process except by a majority vote of the Civil Service Commission.

The Commission shall have the power and it shall be its duty to appoint an executive assistant to be the administrative head of the affairs under its

control who shall serve at its pleasure; provided, however, that any person who has Civil Service status in the position of executive assistant to the Commission on the effective date of this section as amended shall continue to have Civil Service status or in the position of assistant secretary under the Civil Service provisions of this Charter. The executive assistant shall periodically report to the Commission on operation of the civil service merit system and may make recommendations to the Civil Service Commission regarding its rules, policies and procedures.

SEC. 10.102. DEPARTMENT OF HUMAN RESOURCES.

The Department of Human Resources shall consist of a Human Resources Director and such employees as may be necessary to carry out its functions and duties.

Pursuant to and in accordance with policies, rules and procedures of the Civil Services Commission governing the merit system, the Department of Human Resources shall be the personnel department for the City and County and shall determine appointments on the basis of merit and fitness as shown by appropriate test and, except as specifically set forth in this Charter, shall perform all tests, duties and functions previously performed by the Civil Service Commission, including but not limited to authority to recruit, select, certify, appoint, train, evaluate, promote career development, classify positions, administer salaries, administer employee discipline, discharge and other related personnel activities in order to maintain an effective and responsive work force.

The Department of Human Resources shall be responsible for coordination of all state, local and federal health and safety mandates, programs and requirements relating to employees including but not limited to industrial hygiene programs, health and safety programs, OSHA compliance and return to work programs. Department heads shall coordinate such activities of employees under their jurisdiction with the Human Resources Director.

The Department of Human Resources shall be responsible for policy, management and administration of the worker's compensation program and shall review and determine all applications for disability leave.

Subject to Section 11.100 hereof, the Department of Human Resources shall be responsible for management and administration of all labor relations of the City and County.

The Department of Human Resources shall be responsible for management and administration of all health services of employees. The transfer of such power and control to the Department of Human Resources shall occur no later than October 1, 1995.

Except for the purpose of inquiry, the Mayor shall deal with the administration of the civil service merit system solely through the Human Resources Director and the Civil Service Commission or their designees. The

Mayor shall not dictate, suggest or interfere with the merit system activities of the Civil Service Commission or Human Resources Department. Administrative matters shall be dealt with only in the matter provided by this Charter, and any dictation, suggestion or interference herein prohibited shall constitute official misconduct; provided that nothing herein contained shall restrict the power of hearing and inquiry as provided in this Charter.

SEC. 10.103. HUMAN RESOURCES DIRECTOR.

A Human Resources Director shall be selected by the Mayor from candidates nominated by the Civil Service Commission and confirmed by vote of the Board of Supervisors. The Human Resources Director shall possess not less than ten years professional experience in personnel, human resources management, labor or employee relations at least five years of which must be in federal, state or local governmental personnel management and such other qualifications as determined by the Commission. Notwithstanding any other provisions of this Charter, the Human Resources Director shall be appointed by and serve at the pleasure of the Mayor, provided that the Mayor's removal of the Human Resources Director may be rejected by a four-fifths vote of the Commission. Failure of the Commission to act within 30 days shall be deemed approval of the Mayor's action. The nominee of the Mayor may be appointed acting Human Resources Director pending confirmation. The person so appointed shall, before taking office, make under oath and file in the Office of the County Clerk the following declaration: "I am opposed to appointments to the public service as a reward for political activity and will execute the Office of Human Resources Director in the spirit of this declaration."

The appointment of the Director of the Human Resources Department as of the effective date of this Charter shall be effective until July 1, 1996, after which time he may be reappointed to the position in accordance with the appointment method provided herein.

The Human Resources Director shall have full power to administer the affairs of the Department. He or she shall have all powers of a department head and may appoint a Director of Employee Relations, a Health Services administrator, an executive assistant and one confidential secretary, each of whom shall be exempt from the civil service provisions of this Charter, to assist in the administration and management of the functions of the department.

The Human Resources Director shall review and resolve allegations of discrimination as defined in Article XVII of this Charter against employees or applicants, or otherwise prohibited nepotism or favoritism. Notwithstanding any other provisions of this Charter except the fiscal provisions hereof, the decision of the Human Resources Director shall forthwith be enforced by every employee and officer, unless the decision is appealed to the Commission in accordance with Section 10.101.

The Human Resources Director shall investigate all employee complaints concerning job-related conduct of City and County employees and shall promptly report to the source of the complaint.

The Human Resources Director shall promote effective and efficient management through personnel programs that encourage productivity, job satisfaction and exemplary performance.

The Human Resources Director shall provide a procedure for resolution of employee disputes which shall be consistent with other provisions of this Charter and shall be utilized by all department heads and appointing officers in the absence of an applicable grievance procedure in a binding labor agreement.

The Human Resources Director shall verify that all persons whose names appear on City and County payrolls have been legally appointed to or employed in positions legally established under this Charter. The Controller shall not draw his warrant for any claim for salary, wages or compensation which has been disapproved by the Human Resources Director.

Consistent with the foregoing and other applicable provisions of this Charter, the Human Resources Director may delegate to the various appointing officers appropriate personnel responsibilities, and shall consult with appointing officers with respect to Civil Service Commission rules affecting their operations.

The Human Resources Director shall establish a system of job classification. The decision of the Human Resources Director regarding classification matters shall be final unless appealed to the Commission; provided, however, that nothing herein shall be construed to alter the scope of bargaining set forth in the following sections of the 1932 Charter: 8.400, 8.403, 8.404, 8.405, 8.407-1, 8.409 et seq. and 8.590-1 et seq.

The allocation or reallocation of a position shall not adversely affect the civil service rights of an occupant regularly holding such position. No person shall hold a position outside of the classification to which the person has been appointed, provided that every employee of any department or office shall discharge any of the duties pertaining to such department or office to which the employee's department head may temporarily assign the employee.

SEC. 10.104. EXCLUSIONS FROM CIVIL SERVICE APPOINTMENT.

All employees of the City and County shall be appointed through competitive examination unless exempted by this Charter. The following positions shall be exempt from competitive civil service selection, appointment and removal procedures, and the person serving in the position shall serve at the pleasure of the appointing authority:

1. All supervisory and policy-level positions within the office of the Mayor and the office of the City Administrator;

2. All elected officers of the City and County and their chief deputies or chief assistants;

3. All members of commissions, boards and advisory committees;

4. Not more than one commission secretary for each commission or board;

5. All heads of agencies and departments, unless otherwise provided for herein;

6. All non-uniformed deputy heads of departments;

7. All uniformed deputy heads of departments, police commanders and Fire Chief's aides;

8. Not more than one confidential secretary and executive assistant in each department and agency;

9. The Clerk of the Board of Supervisors, legislative analyst and assistants to the members of the Board of Supervisors.

10. All paraprofessional aides of the Unified School District and teaching instructional aides of the Community College District;

11. Persons employed in positions outside the City and County upon construction work being performed by the City and County when such positions are exempted from the classified civil service by an order of the civil service commission;

12. Persons employed in positions in any department for expert professional temporary services, when such positions are exempted from said classified civil service for a specified period of said temporary service by order of the civil service commission.

The proportion of full-time employees in the above exempt categories to the total number of civil service employees of the City and County shall not be greater than such proportion as existed on July 1, 1994, unless modified by Civil Service Commission rule, approved by the Board of Supervisors.

13. All attorneys, including an attorney to the Sheriff and an attorney for the Tax Collector, City Attorney's and District Attorney's investigators, hospital chief administrators, physicians and dentists serving in their professional capacity (except those physicians and dentists whose duties are significantly administrative or supervisory);

14. The law librarian, assistant law librarians, bookbinder of the Law Library, purchaser, curators, Assistant Sheriff, Deputy Port Director, Chief of the Bureau of Maritime Affairs, Director of Administration and Finance of the Port, Port Sales Manager, Port Traffic Manager, Chief Wharfinger, Port Commercial Property Manager, Actuary of the Employee's Retirement System, Director of the Zoo, Chief Veterinarian of the Zoo, Director of the Arboretum and Botanical Garden, Director of Employee Relations, Health Service Administrator, Executive

Assistant to the Human Services Director, and any other positions designated as exempt under the 1932 Charter, as amended;

15. Positions determined by the Controller and approved annually by the Board of Supervisors to be positions where the work or services can be practically performed under private contract at a lesser cost than similar work performed by employees of the City and County, except where such work or services are required to be performed by officers or employees of the City and County under the provisions of this Charter or other applicable law.

In addition, with the approval of the Civil Service Commission, exempt employees shall include:

16. Temporary and seasonal appointments not to exceed the equivalent of half-time during any fiscal year, except that such positions may be filled through regular civil service procedures;

17. Appointments, which shall not exceed two years and shall not be renewable, as substitutes for civil service employees on leave, except that such positions may be filled through regular Civil Service procedures;

18. Appointments, which shall not exceed three years and shall not be renewable, for special projects and professional services with limited term funding, except that such positions may be filled through regular civil service procedures; and

19. Entry level positions designated by an appointing officer with approval of the Civil Service Commission for persons who met minimum qualifications and are certified as blind or severely disabled; persons so appointed whose job performance is rated satisfactory by their appointing officer shall after one year of continuous service acquire Civil Service status.

SEC. 10.105. PROVISIONAL APPOINTMENTS.

Provisional appointments for classified positions for which no eligible list exists shall not exceed three years. Provisional appointments may only be renewed with the approval of the Board of Supervisors and upon certification by the Human Resources Director that for reasons beyond his or her control the Department has been unable to conduct examinations for these positions.

Article XI: Employer-Employee Relations System

SEC. 11.100. GENERAL.

Subject to this Charter and consistent with state law, the Mayor through the Human Resources Director or his/her designee and in consultation with the Board of Supervisors shall be responsible for meeting and conferring with employees or their recognized employee organizations regarding salaries, working conditions, benefits and other terms and conditions of employment to be embodied in memoranda of understanding. The Human Resources Director shall assume day-to-day administration of all labor relations responsibilities previously vested in the Mayor or Board of Supervisors.

The Human Resources Director shall submit proposed memoranda of understanding including, where applicable, schedules of compensation, benefits and working conditions to the Mayor, who upon approval shall forward the proposed memoranda of understanding to the Board of Supervisors for determination by a majority vote. The Board of Supervisors shall have the power to accept or reject such memoranda of understanding. It shall be the duty of the Board of Supervisors, upon approval of any such memoranda of understanding to enact appropriate ordinances authorizing payment of any compensation or benefits or other terms and conditions of employment so approved.

Nothing in this section shall supersede any dates specified in this Charter for fixing compensation, except that the Board of Supervisors by motion may extend up to 30 days the date for final adoption of ordinances approving salary and benefits pursuant to such sections. Should the Board of Supervisors reject any memorandum of understanding and/or schedule of compensation and benefits, the Board of Supervisors shall by motion simultaneously extend by 60 days the date for final adoption of ordinances approving salary, benefits and/or working conditions pursuant to such sections.

SEC. 11.101. EMPLOYEE RELATIONS OFFICE.

The Human Resources Director shall:

1. Represent the City and County and/or its departments in the implementation of those provisions of Title I, Division 4, Chapter 10 of the Government Code applicable to the City and County, subject to the Mayor's authority under Charter Section 11.100;

2. Coordinate the meet and confer process between the City and County, its employees and/or their designated representatives;

3. Negotiate and administer memoranda of understanding; and

4. Perform related duties necessary to administer the employee relations functions of the City and County.

Article XII: Employee Retirement and Health Service Systems

SEC. 12.100. RETIREMENT BOARD.

The Retirement Board shall consist of seven members as follows: one member of the Board of Supervisors appointed by the President, three public members to be appointed by the Mayor pursuant to Section 3.100, and three members elected by the active members and retired persons of the Retirement System from among their number. The public members appointed by the Mayor shall be experienced in life insurance, actuarial science, employee pension planning or investment portfolio management, or hold a degree of doctor of medicine. There shall not be, at any one time, more than one retired person on the Board. The term of the members, other than the Board of Supervisors member, shall be five years, one term expiring on February 20th of each year. The three elected members need not be residents of the City and County. Vacancies on the Board shall be filled by the Mayor for the remainder of the unexpired term, except that in the case of elected employee members, a vacancy shall be filled by a special election within 120 days after the vacancy occurs unless the next regularly scheduled employee member election is to be held within six months after such vacancy occurred. Elections shall be conducted by the Director of Elections in a manner prescribed by ordinance.

The Board shall appoint and may remove an executive director and an actuary. The Board may employ a consulting actuary.

In accordance with Article XVI, Section 17, of the California Constitution, the Retirement Board shall have plenary authority and fiduciary responsibility for investment of monies and administration of the Retirement System.

The Board shall be the sole authority and judge, consistent with this Charter and ordinances, as to the conditions under which members of the Retirement System may receive and may continue to receive benefits under the Retirement System, and shall have exclusive control of the administration and investment of such funds as may be established.

The Retirement Board shall discharge its duties with respect to the system with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with these matters would use in the conduct of an enterprise of a like character and with like aims.

The Board shall determine City and County and District contributions on the basis of a normal contribution rate which shall be computed as a level percentage of compensation which, when applied to the future compensation of the average new member entering the System, together with the required member contribution, will be sufficient to provide for the payment of all prospective benefits of such member. The portion of liability not provided by the normal contribution rate shall be amortized over a period not to exceed twenty years.

The Board may act by a majority of the members present at a meeting so long as a quorum is in attendance.

SEC. 12.101. EXECUTIVE DIRECTOR.

The executive director shall administer the Retirement System in accordance with the provisions of this Charter and the policies and regulations of the Retirement Board.

SEC. 12.102. HEARING OFFICER.

Any application for retirement or death allowance made pursuant to this Charter shall be heard by a hearing officer employed under contract by the Retirement Board and selected by procedures set forth in its rules, which shall include rules setting forth the qualifications and selection procedure necessary to appoint a qualified and unbiased hearing officer. Following public hearing, the hearing officer shall determine whether such application shall be granted or denied. All expenses related to processing and adjudicating such applications shall be paid from the Trust Fund.

At any time within 30 days after the service of the hearing officer's decision, the applicant or any other affected party, including the Retirement System, may petition the hearing officer for a rehearing upon one or more of the following grounds and no other:

1. That the hearing officer acted without or in excess of the hearing officer's powers;

2. That the decision was procured by fraud;

3. That the evidence does not justify the decision; or

4. That the petitioner has discovered new material evidence which could not, with reasonable diligence, have been discovered and produced at the hearing.

The decision of the hearing officer shall be final upon the expiration of 30 days after the petition for rehearing is denied, or if the hearing is granted, upon the expiration of 30 days after the rendition of the decision. Such final decision shall not be subject to amendment, modification or rescission by the Board, but shall be subject to review by the Board only for the purpose of determining whether to seek judicial review.

SEC. 12.103. TRUST FUND.

The Retirement Fund shall be a trust fund to be administered by the Retirement Board in accordance with the provisions of this Charter solely for the benefit of the active members and retired members of the Retirement System and their survivors and beneficiaries. Administrative costs of the Retirement System, as adopted by the Board of Supervisors in the annual budget shall be paid from the accumulated contributions of the City and County.

The Fund is intended to qualify for tax deferred treatment under Section 401(a) of the Internal Revenue Code of 1986, as amended, and the Board is responsible for preserving the Fund's status.

PART TWO: HEALTH SERVICE SYSTEM

SEC. 12.200. HEALTH SERVICE BOARD.

There shall be a Health Service Board which shall consist of seven members as follows: one member of the Board of Supervisors, to be appointed by the President of the Board of Supervisors; the City Attorney or designated deputy city attorney; two members appointed by the Mayor pursuant to Section 3.100, one of whom shall be an individual who regularly consults in the health care field, and the other a doctor of medicine; and three members elected from the active and retired members of the System from among their number. Elections shall be conducted by the Director of Elections in a manner prescribed by ordinance. Elected members need not reside within the City and County. The terms of members, other than the two ex officio members, shall be five years, one term expiring on May 15 of each year.

A vacancy on the Board appointed by the Mayor shall be filled by the Mayor. A vacancy in an elective office on the Board shall be filled by a special election within 90 days after the vacancy occurs unless a regular election is to be held within six months after such vacancy shall have occurred.

The Health Service Board shall:

1. Establish and maintain detailed historical costs for medical and hospital care and conduct an annual review of such costs;

2. Apply benefits without special favor or privilege;

3. Put such plans as provided for in Section A8.422 into effect and, through the Human Resources Department, conduct and administer the same and contract therefor and use the funds of the System;

4. Make rules and regulations for the administration of business of the Health Service System, the granting of exemptions and the admission to the System of persons who are hereby made members, and such other officers and employees as may voluntarily become members with the approval of the Board; and

5. Receive, consider and, within 60 days after receipt, act upon any matter pertaining to the policies of, or appeals from, the Health Service System submitted to it in writing by any member or any person who has contracted to render medical care to the members.

SEC. 12.201. MEDICAL DIRECTOR AND HEALTH SERVICES ADMINISTRATOR.

The Health Service Board may appoint a full-time or part-time medical director. He or she shall hold office at its pleasure. The medical director shall be responsible to the Board as a board, but not to any individual member or committee thereof. The Human Resources Director shall appoint a full-time administrator with experience in administering health plans or in comparable work, who shall hold office at the Human Resources Director's pleasure. The Board and each committee of the Board shall confine its activities to policy matters and to matters coming before it as an appeals board. The Board shall prepare its rules, regulations and policies so that they are clear, definite and complete and so that they can be readily administered by the Human Resources Department.

SEC. 12.202. MEMBERSHIP IN HEALTH SERVICE SYSTEM.

The members of the System shall consist of all officers and permanent employees of the City and County, the Unified School District, the Community College District, and such other officers, employees, dependents and retirees as provided by ordinance.

SEC. 12.203. HEALTH SERVICE SYSTEM FUND.

The Health Service System Fund shall be a trust fund administered by the Health Service Board in accordance with the provisions of this Charter solely for the benefit of the active and retired members of the Health Service System and their covered dependents. The City and County, School District and Community College District shall each contribute to the Health Service System Fund amounts sufficient to efficiently administer the Health Service System.

Article XIII: Elections

SEC. 13.100. CITY AND COUNTY ELECTIONS.

The Board of Supervisors shall adopt an Elections Code consistent with the provisions of this Charter. Where not otherwise provided by this Charter or by ordinance, all City and County elections shall be governed by the provisions of applicable state laws.

SEC. 13.101. TERMS OF ELECTIVE OFFICE.

Except in the case of an appointment or election to fill a vacancy, the term of office of each elected officer shall commence at 12:00 noon on the eighth day of January following the date of the election.

Subject to the applicable provisions for municipal runoff elections, the elected officers of the City and County shall be elected as follows:

At the general municipal election in 1995 and every fourth year thereafter, a Mayor, a Sheriff and a District Attorney shall be elected.

At the statewide general election in 1996 and every fourth year thereafter, six members of the Board of Supervisors, four members of the Board of Education and four members of the Governing Board of the Community College District shall be elected.

At the general municipal election in 1997 and every fourth year thereafter, a City Attorney and a Treasurer shall be elected.

At the statewide primary election in 1998 and every fourth year thereafter, an Assessor-Recorder and Public Defender shall be elected.

At the statewide general election in 1998 and every fourth year thereafter, five members of the Board of Supervisors, three members of the Board of Education and three members of the Governing Board of the Community College District shall be elected.

SEC. 13.102. MUNICIPAL RUNOFF ELECTIONS.

If no candidate for any elective office of the City and County, except the Board of Supervisors, the Board of Education and the Governing Board of the Community College District, receives a majority of the votes cast at an election for such office, the two candidates receiving the most votes shall qualify to have their names placed on the ballot for a municipal runoff election. A runoff election for the office of Mayor, Sheriff, District Attorney, City Attorney and Treasurer shall be held on the second Tuesday of the next ensuing December. A runoff election for Assessor-Recorder and Public Defender shall be held at the next general election.

SEC. 13.103. SPECIAL MUNICIPAL ELECTIONS.

Special municipal elections may be called in accordance with state laws.

The date of any special municipal election shall be fixed by the Board of Supervisors not less than 105 nor more than 120 days from the date of calling such election; however, no special municipal election shall be held within 105 days of any general municipal or statewide election. The Board of Supervisors may consolidate a special municipal election with a general municipal or statewide election.

The Board of Supervisors shall maintain a fund sufficient to pay all costs and expenses of the City and County with respect to a special municipal election, and such fund shall be used solely to pay the costs of such an election. Upon payment of any such costs or expenses, an appropriation shall be made in the next succeeding annual appropriations ordinance sufficient to reimburse the fund.

SEC. 13.104. DEPARTMENT OF ELECTIONS.

A Department of Elections shall be established to conduct all public federal, state, district and municipal elections in the City and County. The department will be administered by the Director of Elections, who shall be vested exclusively with the conduct and management of voter registration and matters pertaining to elections in the City and County.

The Director shall be appointed by the City Administrator from a list of qualified applicants provided pursuant to the civil service provisions of this Charter. The Director may be removed by the City Administrator for cause, subject to appeal to the Civil Service Commission.

For purposes of this section, the conduct of elections shall include, but not be limited to: voter registration; the nomination and filing process for candidates to City and County offices; the preparation and distribution of voter information materials; ballots, precinct operations and vote count; the prevention of fraud in such elections; and the recount of ballots in cases of challenge or fraud.

SEC. 13.105. NOMINATION.

The City and County shall follow the nomination provisions for municipal elective offices in accordance with state laws, except as provided for by ordinance or this Charter.

SEC. 13.106. QUALIFICATION.

Each candidate for an elective office of the City and County shall be a resident of the City and County and an elector at the time that nomination papers are issued to the candidate, and each elected officer shall continue to be an elector during the term of the office.

SEC. 13.107. ELECTION MATERIAL MAILED TO VOTERS.

The Board of Supervisors shall, by ordinance, provide for the format of a voters' pamphlet including a sample ballot, candidates' statements, lists of sponsors, arguments for and against each ballot measure, any financial impact statements prepared by the Controller, and arguments for and against the recall of any officers. The voters' pamphlet shall be mailed to each elector so as to be received at least ten days prior to each general, runoff or special municipal election.

SEC. 13.108. DETERMINATION OF ELECTION RESULTS.

The canvass of votes cast, and certification of elections shall be as prescribed by law. If a person elected fails to qualify or for any reason

does not take office, the office shall be filled in the manner prescribed by state law for the filling of a vacancy in such office.

SEC. 13.109. FILING FEES.

The amount of fees to be charged for candidate filings, candidate statements, paid arguments and any other fees to be collected in the conduct of elections shall be proposed by the Director of Elections for approval by the Board of Supervisors on or before the second Monday in December immediately prior to the election in which the fees apply.

Signatures of registered voters in the City and County may be submitted in lieu of any filing fee. At the same time the Board of Supervisors approves the schedule of fees for the election, the Director of Elections, with the approval of the Board of Supervisors, shall establish the dollar value equivalent of each valid signature submitted.

Article XIV: Initiative, Referendum and Recall

SEC. 14.100. GENERAL.

Except as otherwise provided in this Article, the voters of the City and County shall have the power to enact initiatives and the power to nullify acts or measures involving legislative matters by referendum.

SEC. 14.101. INITIATIVES.

An initiative may be proposed by presenting to the Director of Elections a petition containing the initiative and signed by voters in a number equal to at least five percent of the votes cast for all candidates for mayor in the last preceding general municipal election for Mayor. Such initiative shall be submitted to the voters by the Director of Elections upon certification of the sufficiency of the petition's signatures.

A vote on such initiative shall occur at the next general municipal or statewide election occurring at any time after 90 days from the date of the certificate of sufficiency executed by the Director of Elections, unless the Board of Supervisors directs that the initiative be voted upon at a special municipal election.

If the petition containing the initiative is signed by voters in a number equal to at least ten percent of the votes cast for all candidates for Mayor in the last preceding general municipal election for Mayor, and contains a request that the initiative be submitted forthwith to voters at a special municipal election, the Director of Elections shall promptly call such a special municipal election on the initiative. Such election shall be held not less than 105 nor more than 120 days from the date of its calling unless it is within 105 days of a general municipal or statewide election, in which event

the initiative shall be submitted at such general municipal or statewide election.

No initiative or declaration of policy approved by the voters shall be subject to veto, or to amendment or repeal except by the voters, unless such initiative or declaration of policy shall otherwise provide.

SEC. 14.102. LEGISLATIVE REFERENDUM.

Prior to the effective date of an ordinance, a referendum on that ordinance may be proposed by filing with the Board of Supervisors a petition protesting the passage of that ordinance. Such petition shall be signed by voters in a number equal to at least ten percent, or in the case of an ordinance granting any franchise, at least five percent, of the votes cast for all candidates for Mayor in the last preceding general municipal election for Mayor.

Such ordinance shall then be suspended from becoming effective. The Board of Supervisors shall reconsider the ordinance. If it is not entirely repealed, the Board of Supervisors shall submit the ordinance to the voters at the next general municipal or statewide election or at a special municipal election. Such ordinance shall not become effective until approved by voters at such an election.

SEC. 14.103. RECALL.

An elected official of the City and County, the City Administrator, the Controller, or any member of the Airports Commission, the Board of Education, the governing board of the Community College District, the Ethics Commission or the Public Utilities Commission may be recalled by the voters as provided by this Charter and by the laws of the State of California, except that no recall petitions shall be initiated with respect to any officer who has held office for less than six months.

A recall petition shall include the signatures of voters in a number equal to at least ten percent of registered voters of the City and County at time of the filing of the notice of intention to circulate the recall petitions. A recall petition shall state the grounds on which the recall is based.

Upon certifying the sufficiency of the recall petition's signatures, the Director of Elections shall immediately call a special municipal election on the recall, to be held not less than 105 nor more than 120 days from the date of its calling unless it is within 105 days of a general municipal or statewide election, in which event the recall shall be submitted at such general municipal or statewide election.

SEC. 14.104. PETITIONS -- WITHDRAWAL OF SIGNATURES.

A person signing a petition for initiative, referendum or recall may withdraw his or her name from such petition by filing with the Director of Elections a verified revocation of that signature prior to the filing of such petition itself.

Article XV: Ethics

SEC. 15.100. ETHICS COMMISSION.

The Ethics Commission shall consist of five members who shall serve four-year terms. The Mayor, the Board of Supervisors, the City Attorney, the District Attorney and the Controller each shall appoint one member of the Commission. The member appointed by the Mayor shall have a background in public information and public meetings. The member appointed by the City Attorney shall have a background in law as it relates to government ethics. The member appointed by the Controller shall have a background in campaign finance. The members appointed by the District Attorney and Board of Supervisors shall be broadly representative of the general public.

In the event a vacancy occurs, the officer who appointed the member vacating the officer shall appoint a qualified person to complete the remainder of the term. Members of the Commission shall serve without compensation. Members of the Commission shall be officers of the City and County, and may be removed by the Mayor only pursuant to Section 15.105.

No person may serve more than one term as a member of the Commission, provided that persons appointed to less than four-year terms shall be eligible to be appointed to one additional four-year term. During his or her tenure, neither a member of the Commission nor its executive director may: hold any other public office or any employment with the City or any City officer; participate in or contribute to a campaign involving a candidate for City office, a City ballot measure or a City official seeking any elective office; or employ or be employed by, or receive any gifts or other compensation from, a person required to register as a lobbyist under the City's lobbyist ordinance, a person who employs someone required to register as a lobbyist under the City's lobbyist ordinance, or a person who is employed by or holds office in an organization that makes political endorsements.

The Commission may subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence and require by subpoena the production of any books, papers, records or other items material to the performance of the Commission's duties or exercise of its powers.

SEC. 15.101. EXECUTIVE DIRECTOR.

The Commission shall appoint and may remove an Executive Director. The Executive Director shall have a background in campaign finance, public

information and public meetings and the law as it relates to governmental ethics. The Executive Director shall be the chief executive of the department and shall have all the powers provided for department heads. The Commission shall have the power to appoint auditors and investigators, who shall serve at the Commission's pleasure. Subject to the civil service provisions of this Charter, the Executive Director shall have the power to appoint and remove other employees of the Commission and the Department.

SEC. 15.102. RULES AND REGULATIONS.

The Commission may adopt, amend and rescind rules and regulations consistent with and related to carrying out the purposes and provisions of this Charter and ordinances related to campaign finances, conflicts of interest, lobbying and governmental ethics and to govern procedures of the Commission. In addition, the Commission may adopt rules and regulations related to carrying out the purposes and provisions of ordinances regarding open meetings and public records. The Commission shall transmit to the Board of Supervisors rules and regulations adopted by the Commission within 24 hours of their adoption. A rule or regulation adopted by the Commission shall become effective 60 days after the date of its adoption unless before the expiration of this 60 day period two-thirds of all members of the Board of Supervisors vote to veto the rule or regulation.

The City Attorney shall be the legal advisor of the Commission. If the City Attorney determines in writing that he or she cannot, consistent with the rules of professional conduct, provide advice sought by the Commission, the City Attorney may authorize the Commission to retain outside counsel to advise the Commission.

Any ordinance which the Supervisors are empowered to pass relating to conflicts of interest, campaign finance, lobbying or governmental ethics may be submitted to the electors at the next succeeding general election by the Ethics Commission by a four-fifths vote of all its members.

SEC. 15.103. CONFLICT OF INTEREST.

All officers and employees of the City and County shall be subject to all state laws and City ordinances proscribing conflicts of interest and incompatible activities, as well as the provisions of Section C8.105. Any violation of such laws shall be official misconduct and shall be a basis for discipline and/or removal, in addition to any other penalties prescribed by law.

SEC. 15.104. PENALTY FOR OFFICIAL MISCONDUCT.

Any person found guilty of official misconduct shall forfeit his or her office, and shall be forever after disbarred and disqualified from being elected, appointed or employed in the service of the City and County.

SEC. 15.105. SUSPENSION AND REMOVAL.

Any elective officer, and any member of the Airport Commission, Asian Art Commission, Civil Service Commission, Commission on the Status of Women, Ethics Commission, Health Commission, Human Services Commission, Juvenile Probation Commission, Public Utilities Commission, Recreation and Park Commission, Fine Arts Museums Board of Trustees, War Memorial and Performing Art Center Board of Trustees, Board of Education or Community College Board may be suspended by the Mayor and removed by the Board of Supervisors for official misconduct, and the Mayor shall appoint a qualified person to discharge the duties of the office during the period of suspension. On such suspension, the Mayor shall immediately notify the Ethics Commission and Board of Supervisors thereof in writing and the cause thereof, and shall present written charges against such suspended officer to the Ethics Commission and Board of Supervisors at or prior to their next regular meetings following such suspension, and shall immediately furnish a copy of the same to such officer, who shall have the right to appear with counsel before the Ethics Commission in his or her defense. Hearing by the Ethics Commission shall be held not less than five days after the filing of written charges. After the hearing, the Ethics Commission shall transmit the full record of the hearing to the Board of Supervisors with a recommendation as to whether the charges should be sustained. If, after reviewing the complete record, the charges are sustained by not less than a three-fourths vote of all members of the Board of Supervisors, the suspended officer shall be removed from office; if not so sustained, or if not acted on by the Board of Supervisors within 30 days after the receipt of the record from the Ethics Commission, the suspended officer shall thereby be reinstated.

Members of the Building Inspection Commission appointed by the Mayor may be suspended and removed pursuant to the provisions set forth above. Members of the Commission appointed by the President of the Board of Supervisors may be suspended and removed pursuant to the same procedures, except that the President of the Board shall act in place of the Mayor.

The Mayor must immediately remove from office any elective official convicted of a crime involving moral turpitude, and failure of the Mayor so to act shall constitute official misconduct on his or her part. Any appointee of the Mayor or the Board of Supervisors guilty of official misconduct or convicted of crime involving moral turpitude must be removed by the Mayor or the Board of Supervisors, as the case may be, and failure of the Mayor or any Supervisor to take such action shall constitute official misconduct on their part.

SEC. 15.106. DUAL OFFICE HOLDING.

Any person holding an office under the City and County with an annual salary in excess of $2,500 whether by election or by appointment, who shall, during his or her term of office, hold or retain any other office with such a salary under the government of the United States, the State of California, or the City and County shall be deemed to have thereby vacated the office held by him or her under the City and County.

SEC. 15.107. REPORTING OF CAMPAIGN FINANCING.

The Board of Supervisors shall, by ordinance, prescribe requirements for campaign contributions and expenditures and any limitations thereon with respect to candidates for elective office and ballot measures in the City and County.

SEC. 15.108. EMPLOYMENT OF FORMER MAYOR OR SUPERVISOR.

No person shall be eligible for a period of one year after the last day of service as Mayor or member of the Board of Supervisors for appointment to any full-time, compensated employment with the City and County. This restriction shall not extend to an elective or appointive office of the City and County.

Article XVI: Miscellaneous Provisions

SEC. 16.100. CABLE CARS.

In the conduct of the public transportation system there shall be maintained and operated cable car lines as follows:

1. A line commencing at Powell and Market Streets; thence along Powell Street to Jackson Street; thence along Jackson Street to Mason Street; thence along Mason Street to Columbus Avenue; thence along Columbus Avenue to Taylor Street; thence along Taylor Street to a terminal at Bay Street; returning from Bay and Taylor Streets along Taylor Street to Columbus Avenue; thence along Columbus Avenue to Mason Street; thence along Mason Street to Washington Street; thence along Washington Street to Powell Street; and thence along Powell Street to Market Street, the point of commencement.

2. A line commencing at Powell and Market Streets; thence along Powell Street to Jackson Street; thence along Jackson Street to Hyde Street; thence along Hyde Street to a terminal at Beach; returning from Beach and Hyde Streets along Hyde Street to Washington Street; thence along Washington Street to Powell Street; thence along Powell Street to Market Street, the point of commencement.

3. A line commencing at Market and California; thence along California Street to a terminal at Van Ness Avenue; returning from Van Ness Avenue along California Street to Market Street, the point of commencement.

To fully effectuate the intent of this section, these lines shall be maintained and operated at the normal levels of scheduling and service in effect on July 1, 1971; provided, however, that nothing herein contained shall prevent the increasing of the levels of scheduling and service.

SEC. 16.101. ACQUISITION OF PUBLIC UTILITIES.

It is the declared purpose and intention of the people of the City and County, when public interest and necessity demand, that public utilities shall be gradually acquired and ultimately owned by the City and County. Whenever the Board of Supervisors, as provided in Sections 9.106, 9.107 and 9.108 of this Charter, shall determine that the public interest or necessity demands the acquisition, construction or completion of any public utility or utilities by the City and County, or whenever the electors shall petition the Board of Supervisors, as provided in Sections 9.110 and 14.101 of this Charter, for the acquisition of any public utility or utilities, the Supervisors must procure a report from the Public Utilities Commission thereon.

SEC. 16.102. TRANSIT-FIRST POLICY.

The following principles shall constitute the City and County's transit-first policy. All officers, commissions and departments shall consider these principles in conducting the City and County's affairs:

1. Transit first is, has been and shall continue to be the policy of the City and County of San Francisco;

2. The efficient movement of people and goods is essential for the economic health and quality of life in San Francisco;

3. Public transportation is an economically and environmentally sound alternative to transportation by individual automobiles;

4. The designation of streets as public transit only and/or public transit and commercial only reduces excessive vehicular traffic congestion on the City's streets, thereby relieving traffic congestion and facilitating the protection of sensitive areas and healthful air quality;

5. Enforcement of pedestrian zones enhances the safety of pedestrians; and

6. The effective implementation of the City's transit-first policy requires the cooperation of all City agencies, departments and commissions.

SEC. 16.103. UTILITY REVENUES AND EXPENDITURES.

(a) Receipts from each utility operated by the Public Utilities Commission shall be paid into the City and County treasury and maintained in a separate fund for each such utility. Appropriations from such funds shall be made for the following purposes for each such utility in the order named, viz:

1. For the payment of operating expenses, pension charges and proportionate payments to such compensation and other insurance and accident reserve funds as the Commission may establish or the Board of Supervisors may require;

2. For repairs and maintenance;

3. For reconstruction and replacements as hereinafter described;

4. For the payment of interest and sinking funds on the bonds issued for acquisition, construction or extension;

5. For extensions and improvements; and

6. For a surplus fund.

(b) For the purpose of providing funds for reconstruction and replacements due to physical and functional depreciation of each of the utilities under the jurisdiction of the Commission, the Commission must create and maintain a reconstruction and replacement fund for each such utility, sufficient for the purposes mentioned in this section, and in accordance with an established practice for utilities of similar character, which shall be the basis for the amount necessary to be appropriated annually to provide for said reconstruction and replacements.

1. If, at the end of any fiscal year, the Controller certifies that excess surplus funds of a utility exist, then such excess surplus funds may be transferred by the Board of Supervisors to the General Fund of the City and County, and shall be deposited by the Commission with the Treasurer to the credit of such General Fund. For the purposes of this subsection, excess surplus funds shall exist if the utility has unappropriated, unencumbered funds in excess of 25 percent of the total expenditures of such utility in the previous fiscal year for costs of operation, repair and maintenance.

2. If, as part of the budgeting process, the Controller estimates that there will exist, at the end of the budget year, excess surplus funds of a utility, the Board of Supervisors may budget such excess as revenue to the General Fund for that budget year. During the budget year, the Commission shall deposit with the Treasurer a pro rata portion of the then-estimated excess surplus funds no less frequently than quarterly. For the purposes of this subsection, excess surplus funds shall exist if the utility has unappropriated, unencumbered funds in

excess of 25 percent of the total expenditure of such utility in the previous fiscal year for costs of operation, repair and maintenance.

3. At any time, the Commission may, with the concurrence of two-thirds of the Board of Supervisors, authorize the transfer of any portion of a utility's surplus funds to the General Fund upon making all of the following findings of fact and judgment:

(A) That a surplus exists or is projected to exist after meeting the requirements of this section;

(B) That there is no unfunded operating or capital program that by its lack of funding could jeopardize health, safety, water supply or power production;

(C) That there is no reasonably foreseeable operating contingency that cannot be funded without General Fund subsidy; and

(D) That such a transfer of funds in all other respects reflects prudent utility practice.

The Commission shall make such findings having received reports from the manager of utilities and a public hearing which shall have received no less than 30 days of public notice.

4. The provisions of subsection (b) above shall not be applied in a manner that would be inconsistent with the provisions of any outstanding or future indentures, resolutions, contracts or other agreements of the City and County relating to bonded indebtedness issued in connection with the utility, or with any applicable state or federal laws.

SEC. 16.104. AIRPORT REVENUE FUND.

Subject to the budget and fiscal provisions of this Charter:

(a) The entire gross revenue of the Airport Commission shall be set aside and deposited into a fund in the City and County treasury to be known as the "Airport Revenue Fund." All amounts paid into the Fund shall be maintained by the Treasurer separate and apart from all other City and County funds and shall be secured by the Treasurer's official bond or bonds.

Separate accounts shall be kept with respect to receipts and disbursements of each airport under the jurisdiction of the Commission.

(b) Monies in the Airport Revenue Fund including earnings thereon shall be appropriated, transferred, expended or used for the following purposes pertaining to the financing, maintenance and operation of airports and related

facilities owned, operated or controlled by the Commission and only in accordance with the following priority:

1. The payment of operation and maintenance expenses for such airports or related facilities;

2. The payment of pension charges and proportionate payments to such compensation and other insurance or outside reserve funds as the Commission may establish or the Board of Supervisors may require with respect to employees of the Commission;

3. The payment of principal, interest, reserve, sinking fund and other mandatory funds created to secure revenue bonds hereafter issued by the Commission for the acquisition, construction or extension of airports or related facilities owned, operated or controlled by the Commission;

4. The payment of principal and interest on general obligation bonds heretofore or hereafter issued by the City and County for airport purposes;

5. Reconstruction and replacement as determined by the Commission or as required by any airport revenue bond ordinance duly adopted and approved;

6. The acquisition of land, real property or interest in real property for, and the acquisition, construction, enlargement and improvement of new and existing buildings, structures, facilities, utilities, equipment, appliances and other property necessary or convenient for the development or improvement of any airports and heliports owned, controlled or operated by the Commission in the promotion and accommodation of air commerce or navigation and matters incidental thereto;

7. The return and repayment into the General Fund of the City and County of any sums paid by the City and County from funds raised by taxation for the payment of interest on and principal of any general obligation bonds previously issued by the City and County for the acquisition, construction and improvement of the San Francisco International Airport;

8. For any other lawful purpose of the Commission including, but not limited to, transfer to the General Fund during each fiscal year of 25 percent, or such lesser percentage as the Board of Supervisors shall establish, of the non-airline revenues as a return upon the City and County's investment in the Airport. "Non-airline" revenues means all airport revenues from whatever source less revenues from airline rentals and charges to airlines for use of Airport facilities.

SEC. 16.105. CALIFORNIA ACADEMY OF SCIENCES.

All buildings and improvements erected by or under the authority of the California Academy of Sciences, in or on property owned or controlled by the City and County, including but not limited to the Steinhart Aquarium, the original Natural History Museum, the Simson African Hall and the additions

housing, among other things, the Alexander F. Morrison Planetarium and Auditorium, are the property of the City and County. However, the buildings and improvements, and the activities and personnel therein shall be managed and controlled exclusively by the California Academy of Sciences, except that employees of the City and County shall be subject to the personnel provisions of this Charter and their compensation fixed in accordance with this Charter and City and County funds are subject to the financial provisions of this Charter.

The California Academy of Sciences shall submit to the Mayor and Board of Supervisors an annual financial statement of its activities in connection with the operation of the buildings described in this section.

Nothing herein shall abrogate any trust by which any property of the California Academy of Sciences has been acquired.

SEC. 16.106. CULTURAL, EDUCATIONAL AND RECREATIONAL APPROPRIATIONS.

The Board of Supervisors shall annually appropriate:

1. To the Arts Commission, the revenue from a tax of one-eighth of one cent ($0.00125) per one hundred dollars ($100) of taxable assessed valuation in the City and County for maintaining a symphony orchestra;

2. To the Asian Art Commission, an amount sufficient for the purpose of maintaining, displaying, and providing for the security of the City and County's collection of Asian art;

3. To the California Academy of Sciences, funds necessary for the maintenance, operation and continuance of the Steinhart Aquarium; the Board of Supervisors shall have the power to furnish to the California Academy of Sciences such funds as the Board shall deem proper for the maintenance, operation and continuance of any or all other of the buildings and improvements placed under the control of the California Academy of Sciences;

4. To the Fine Arts Museums Board of Trustees, an amount sufficient for the purpose of maintaining, operating, providing for the security of, expanding and superintending the fine arts museums and for the purchase of objects of art, literary productions and other personal property;

5. To the War Memorial and Performing Arts Center Board of Trustees, an amount sufficient to defray the cost of maintaining, operating and caring for the War Memorial and Performing Arts Center;

6. To the Library Commission, the revenue from a minimum tax of one cent ($0.01) per hundred dollars ($100) of taxable assessed valuation for constructing, maintaining and improving the library system of the City and County;

7. To the Recreation and Park Commission, the revenue from a minimum tax of two and one-half cents ($0.025) per one hundred dollars ($100) of taxable assessed valuation for constructing, maintaining and improving parks and squares, and the revenue from a minimum tax of one and three quarter cents ($0.0175) per one hundred dollars ($100) of taxable assessed valuation for constructing, maintaining and improving playgrounds; and

8. To the Arts Commission, for the City and County-owned Community Cultural Centers, an amount sufficient for the purpose of maintaining, operating, providing for the security and superintending of their facilities and grounds, and for the purchase of objects of art, literary productions and other property, and for their expansion and continuance in the City and County of San Francisco.

SEC. 16.107. OPEN SPACE ACQUISITIONS AND PARK RENOVATION FUND.

(a) Establishment Of Fund. There is hereby established the Park and Open Space Fund ("Fund") to be administered by the Recreation and Park Commission. Monies in the Fund shall be appropriated, allocated, transferred, expended or used consistent with, and to implement, the "Recreation and Open Space Element of the General Plan" ("Plan") and the "Programs for Implementation of the Recreation and Open Space Element of the General Plan" ("Programs"), as provided for herein. The Fund shall be used for the purposes set forth in subsection (d) below.

(b) Interagency Cooperation. Consistent with the Plan and Programs, lands currently under the jurisdiction of any City agency may be acquired or developed with the Fund provided for herein. The Recreation and Park Commission, Port Commission, Department of Public Works, Water Department, or their successors, and all other City agencies, are hereby authorized to enter into contracts appropriate to carry out the purposes of this section. Unless approved by a two-thirds vote of the Board of Supervisors, the amount paid for any lands purchased or acquired in fee from any other public agency or City department or agency shall be no greater than the most recent selling price for such lands.

(c) Annual Tax. There is hereby imposed for a period of 15 years starting with the fiscal year 1990-91, an annual tax of two and one-half cents ($0.025) for each one hundred dollars ($100) assessed valuation. Revenues obtained thereby shall be in addition to, and not in place of any sums normally budgeted for the Recreation and Park Department and, together with interest earned thereon, shall be deposited into the Fund. In addition, all grants, gifts and bequests paid to the City and County for open space acquisition and park renovation, and interest earned thereon, unless otherwise restricted, shall be deposited into the Fund. Establishment of this Fund is not intended to preclude any other similar programs or any similar use of funds by the City and County or any department, agency, commission or instrumentality thereof. All amounts paid into the Fund shall be maintained by the Treasurer, separate and apart from all other City and County funds, and shall be secured by his or her official bond.

(d) Use And Allocation Of The Fund. Each year, the Recreation and Park Commission and City Planning Commission shall hold at least one joint public hearing at which, by a majority of each commission and with the concurrence of the Board of Supervisors, they shall adopt a budget for the allocation and expenditure of the Fund which is consistent with and implements the Plan and Programs. Not more than 40 percent of the Fund may be allocated for maintenance of properties acquired pursuant to this section between its enactment in 1974 and fiscal year 1990-1991. As used herein, "maintenance" means salaries and equipment attributable to any work on an existing facility or on real property which does not result in a physical net increase in usable square footage, use or programs, implementation of the community gardens policy of the Plan, implementation of the urban forestry policy set forth in the Plan, and includes the sustained maintenance and volunteer coordination program mandated in subsection (f). The remainder of the Fund ("Remainder of the Fund") shall be allocated according to the following schedule:

1. Acquisition And Development. At least 40 percent of the Remainder of the Fund shall be allocated for the acquisition and development of real property. In allocating funds between acquisition and development, it shall be the policy of the Recreation and Park Department particularly to pursue acquisition at the beginning of the 15-year program created by this section, in order to take full advantage of short-term opportunities to acquire properties before their values increase.

As used herein, "acquisition" includes, but is not limited to, purchase, lease, exchange, eminent domain, permission for use and any other right, whether revocable or not, to use real property, or any interest therein or improvement or development rights thereon, for recreational purposes; provided that notwithstanding anything herein to the contrary, no acquisition of less than fee simple title may be for a term of less than ten years.

As used herein, "development" includes, but is not limited to, designing specific parks or facilities for which monies have been allocated for acquisition and development under this subsection, establishment of trails, implementation of the community gardens policy of the Plan, implementation of the urban forestry policy set forth in the Plan, and establishment and funding of recreational programs other than after school recreation programs in high need areas as defined in the Plan; provided that in any given year no more than five percent of the Remainder of the Fund may be used for such recreational programs.

2. Renovation. At least 15 percent of the Remainder of the Fund shall be allocated for renovation. As used herein, "renovation" means salaries and equipment attributable to any work on any existing facility or real property under the jurisdiction of the Recreation and Park Commission which results in a physical net increase in usable square footage, use or programs.

3. Maintenance And Administration. Up to 25 percent of the Remainder of the Fund shall be allocated for maintenance of real property and recreational facilities acquired pursuant to this subsection subsequent to 1990-1991; for programs other than those specified in paragraph (4) of this subsection; and for administration of the Fund. Monies allocated pursuant to this subsection may be used for the maintenance of recreational facilities on real property under the jurisdiction of any City agency that has made it available for use as a recreational facility.

As used herein, "maintenance" means salaries and equipment attributable to any work on any existing facility or on real property which does not result in a physical net increase in usable square footage, use or programs, implementation of the community gardens policy of the Plan, implementation of the urban forestry policy set forth in the Plan, and includes a sustained maintenance and volunteer coordination program.

4. After-School Recreation Programs. Twenty percent of the Remainder of the Fund shall be used for the operation of after school recreation programs.

5. Banking Of Funds. Monies may be allocated under any paragraph of this subsection to be set aside for expenditure on specifically identified projects in future years; however, such monies shall not count against any allocation required by this subsection. If such monies are not spent on the project for which they were set aside, they shall be returned to the Fund and be reallocated consistent with this subsection.

6. Annual Transfer And Adjustment Of Allocations. In any given year, 15 percent of the remainder of the Fund may be transferred from Acquisition and Development to Renovation, if such transfer is necessary to take advantage of a special, one-time renovation opportunity that will result in savings which would otherwise not be possible. In any given year, seven and one-half percent of the Remainder of the Fund may be transferred from Renovation to Acquisition and Development if such transfer is necessary to take advantage of a special, one-time Acquisition or Development opportunity, that will result in savings which would otherwise not be possible. However, such transfers may not result in the inconsistency of any five-year average of allocations for either Acquisition and Development or Renovation with the provisions of paragraphs (a) or (b) of this subsection. Any adjustments pursuant to this paragraph, and their consequences on any five-year average of allocations, must be included in the annual report.

7. Five Year Renovation And Maintenance Plans. The Park and Open Space Advisory Committee shall recommend, and the Recreation and Park Commission shall adopt, five-year plans for Acquisition and Development, Renovation and Maintenance, which shall implement the plan and programs, and with which expenditures under this subsection shall be consistent.

These plans shall be updated annually, except that they should not be amended or updated as part of the annual budget process.

8. Reversion Of Uncommitted Funds. Notwithstanding any other provisions of this section, any funds set aside pursuant to this subsection that are not allocated at the end of any fiscal year, together with accrued interest, shall be carried forward to the next fiscal year and shall be appropriated by the Board of Supervisors for any of the purposes enumerated in this section.

9. Prohibition Of Reallocation Of Fund. Except as specifically and explicitly permitted in subsection (d)(6), the allocation of the Fund may not be amended, adjusted or changed.

(e) The Planning Commission and Recreation and Park Commission shall hold at least one joint public hearing annually at which they shall receive and review an annual report from the General Manager of the Recreation and Park Department on the implementation of this section and the acquisition, development, renovation and maintenance of open space and recreational facilities, and the funding of after-school and other recreation programs during the preceding year.

The annual report shall, at a minimum, include the following information:

1. The amount of monies and percentage of the Fund allocated and spent in each of the allocation categories set forth in subsection (d);

2. The projects, on a site-by-site basis that were undertaken or paid for, in part or in whole, with monies from the Fund;

3. For each project, the total cost and percentage of the total cost that was spent for design, construction and management; and,

4. For each project, the time between the date funds became available and the date the project was completed, or if not completed, the percentage of completion at the time of the report and the anticipated date of completion.

(f) Sustained Maintenance And Volunteer Coordination Program. In order to better fulfill the goals and purposes of the Plans and Programs and of this section by reducing ongoing and future maintenance costs, the Recreation and Park Department shall use monies allocated pursuant to paragraph (3) of subsection (d) to:

1. Prepare written guidelines for the design of new parks and open spaces and the renovation or rehabilitation of existing parks and open spaces which require low maintenance, ecological appropriateness (i.e. use of native species, low water usage), and self-sustaining landscapes and landscaping; and

2. Establish and fund an office of volunteer coordination which will organize, train and coordinate a City-wide volunteer program to assist City residents and gardeners in the maintenance, supervision and clean-up of parks, playgrounds and open spaces.

(g) Park And Open Space Advisory Committee. The Fund shall be administered by the Recreation and Park Commission with the advice of the Park and Open Space Advisory Committee. As part of the allocation process for the first year after this section takes effect, the Committee and the Recreation and Park Department shall adopt a five-year plan for allocation of the Fund in compliance with subsection (d). This five year plan shall be updated for another year during each subsequent annual allocation process.

The Committee shall consist of 23 members, each appointed to a two-year term, as follows:

1. One member appointed by the Mayor;

2. One member appointed by each Supervisor and approved by the Board of Supervisors; and

3. A second member appointed by each Supervisor, and approved by the Board of Supervisors, from a list of individuals representing citizens' organizations which have as a major goal the preservation and enhancement of San Francisco's parks, open space and natural environment; persons on this list shall be nominated only by a qualifying organization.

The Committee shall choose its own chair, and establish its own rules of order. A quorum shall be a majority of the members of the Committee.

The Committee shall hold regularly scheduled meetings. The Committee shall send a schedule of all Committee meetings for the calendar year to any person who so requests in writing.

SEC. 16.108. CHILDREN'S FUND.

(a) There is hereby established a fund to expand children's services, which shall be called the Children's Fund and shall be maintained separate and apart from all other City and County funds and appropriated by annual or supplemental appropriation. Monies therein shall be expended or used solely to provided expanded services for children as provided in this section.

(b) There is hereby set aside for the Fund, from the revenues of the property tax levy, revenues in an amount equivalent to an annual tax of one and one-quarter cents ($.0125) per one hundred dollars ($100) of assessed valuation for the first fiscal year which begins 90 days or more after the election which approves this section, and revenues equivalent to an annual tax of two and one half cents ($.025) per one hundred dollars ($100) of assessed valuation for each of the following nine fiscal years. The Treasurer shall

set aside and maintain such amount, together with any interest earned thereon, in the Fund, and any amounts unspent or uncommitted at the end of any fiscal year shall be carried forward to the next fiscal year and, subject to the budgetary and fiscal limitations of this Charter, shall be appropriated then or thereafter for the purposes specified in this section.

(c) Monies in the Fund shall be used exclusively to provide services to children less than 18 years old, above and beyond services funded prior to adoption of this section. To this end, monies from the Fund shall not be appropriated or expended to fund services provided during fiscal year 1991-1992, whether or not the cost of such services increases, or appropriated or expended for services which substitute for or replace services provided during fiscal years 1990-1991 or 1991-1992, except and solely to the extent of services for which the City ceases to receive federal, state or private agency funds, which the funding agency required to be spent only on the services in question.

(d) Services for children eligible for Fund assistance shall include only child care; job readiness, training and placement programs; health and social services (including pre-natal services to pregnant adult women); education programs; recreation; delinquency prevention; and library services, in each case for children.

Services for children paid for by the Fund shall not include:

1. For example, and not for purposes of limitation, services provided by the Police Department or other law enforcement agencies; by courts, the District Attorney, Public Defender or City Attorney; by the Fire Department; detention or probation services mandated by state or federal law; or public transportation;

2. Any service which benefits children incidentally or as members of a larger population including adults;

3. Any service for which a fixed or minimum level of expenditure is mandated by state or federal law, to the extent of the fixed or minimum level of expenditure;

4. Acquisition of any capital item not for primary and direct use by children;

5. Acquisition (other than by lease for a term of ten years or less) of any real property; or

6. Maintenance, utilities or any similar operating costs of any facility not used primarily and directly by children, or of any recreation or park facility (including a zoo), library facility, or hospital.

(e) During each fiscal year, a minimum of 25 percent of such funds shall be used for child care, a minimum of 25 percent for job readiness,

training and placement, and a minimum of 25 percent for health and social services for children (including pre-natal services for pregnant adult women). Beginning with the fifth fiscal year during which funds are set aside under this section, the Board of Supervisors may modify or eliminate these minimum requirements.

No later than December of each calendar year, the Mayor shall prepare and present to the Board of Supervisors a Children's Services Plan. The Plan shall propose goals and objectives for the Fund for the fiscal year beginning the following July 1, propose expenditures of monies from the Fund for the fiscal year beginning the following July 1 and designate the City department which would administer the funded programs. In connection with preparation of the Plan, and prior to the date required for presentation to the Board of Supervisors, the Health Commission, Juvenile Probation Commission, Human Services Commission, Recreation and Parks Commission and Public Library Commission shall each hold at least one public hearing on the Plan. Joint hearings may be held to satisfy this requirement. Any or all of the commissions may also hold additional hearings before or after presentation of the Plan.

(g) The Fund shall be used exclusively to increase the aggregate City appropriations and expenditures for those services for children which are eligible to be paid from the Fund (exclusive of expenditures mandated by state or federal law). To this end, the City shall not reduce the amount of such City appropriations for eligible services (not including appropriations from the Fund and exclusive of expenditures mandated by state or federal law) in any of the ten years during which funds are required to be set aside under this section below the higher of the amount so appropriated for the fiscal year 1990-1991 or the amount so appropriated for the fiscal year 1991-1992, in either case as adjusted. Not later than three months after the election which approves this section, the Controller shall calculate and publish the applicable base amount, specifying by department and program each amount included in the base amount. The base amount shall be adjusted for each year after the base year, based on calculations consistent from year to year, by the percentage increase or decrease in aggregate City appropriations from the base year, as estimated by the Controller. Errors in the Controller's estimate of appropriations for a fiscal year shall be corrected by an adjustment in the next year's estimate. For purposes of this subsection, aggregate City appropriations shall not include funds granted to the City by private agencies or appropriated by other public agencies and received by the City. Within 90 days following the end of each fiscal year through 2001-2002, the Controller shall calculate and publish the actual amount of City appropriations for services for children which are eligible to be paid from the Fund (exclusive of expenditures mandated by state or federal law).

SEC. 16.109. LIBRARY PRESERVATION FUND.

(a) There is hereby established a fund for libraries, which shall be called the Library Preservation Fund and shall be maintained separate and apart from all other City and County funds and appropriated by annual or

supplemental appropriation pursuant to this Charter. Monies therein shall be expended or used exclusively by the Library Department solely to provide library services and materials and to operate library facilities in accordance with this section.

(b) So long as the Library Preservation Fund exists as provided in this section, the following requirements shall apply:

1. The Library Department shall operate no fewer than 26 branch libraries, a main library and a library facility for the blind (which may be at a branch or main library);

2. Not later than November 1, 1994, at least one public hearing shall be held at the main and each branch library, which at least one library commissioner shall attend and which shall receive the results of a survey of users' preferences as to the facility's operating hours;

3. Effective no later than January 1, 1995, the Library Commission shall establish service hours for the main and each branch library, which shall not be reduced during the five years beginning January 1, 1995; total annual average service hours shall be at least 1028 hours per week (that is, a level approximating the total service hours during fiscal year 1986-1987);

4. The public hearing process specified in paragraph 2 shall be repeated at five year intervals, being completed no later than November 1 of the year in question; and

5. Following the subsequent public hearings, the Library Commission may modify the individual and aggregate service hours established under paragraph 3, for the five-year period beginning January 1, 2000 or January 1, 2005 respectively, based on a comprehensive assessment of needs and the adequacy of library resources.

Increasing library hours throughout the system and acquiring books and materials shall receive priority in appropriating and expending fund monies to the extent the funds are not needed to meet the preceding requirements of this subsection. Any requirement of this subsection may be modified to the extent made necessary by a fire, earthquake or other event which renders compliance with the requirement impracticable.

(c) There is hereby set aside for the Library Preservation Fund, from the revenues of the property tax levy, revenues in an amount equivalent to an annual tax of two-and-one-half cents ($0.025) per one hundred dollars ($100) of assessed valuation for each of the fifteen fiscal years beginning with fiscal year 1994-1995. The Treasurer shall set aside and maintain such amount, together with any interest earned thereon, in the Fund, and any amount unspent or uncommitted at the end of any fiscal year shall be carried forward to the next fiscal year and, subject to the budgetary and fiscal limitations of this Charter, shall be appropriated then or thereafter solely for the

purposes specified in this section. The Fund shall be in addition to any other funds set aside for libraries.

(d) The Fund shall be used to increase the aggregate City appropriations and expenditures for services, materials and operation of facilities provided by the Library Department. To this end, the City shall not reduce the amount of City appropriations for the Library Department (not including appropriations from the Library Preservation Fund) in any of the fifteen years during which funds are required to be set aside under this section below the amount so appropriated, including appropriations from the Children's Fund pursuant to this Charter and including all supplemental appropriations, for the fiscal year 1992-1993, adjusted as provided below. The base amount shall be adjusted for each fiscal year after 1992-1993 based on calculations consistent from year-to-year, by the percentage increase or decrease in aggregate City appropriations for all purposes from the base year as estimated by the Controller. Errors in the Controller's estimate of appropriations for a fiscal year shall be corrected by adjustment in the next year's estimate. For purposes of this subsection, (i) aggregate City appropriations shall not include funds granted to the City by private agencies or appropriated by other public agencies and received by the City, and (ii) Library Department appropriations shall not include funds appropriated to the Library Department to pay for services of other City departments or agencies, except for departments or agencies for whose services the Library Department was appropriated funds in fiscal year 1993-1994. Within 90 days following the end of each fiscal year through fiscal year 2008-2009, the Controller shall calculate and publish the actual amount of City appropriations for the Library Department.

SEC. 16.110. REVENUES FOR PUBLIC TRANSIT.

It is the policy of the City and County of San Francisco to use parking-related revenues, where available, to support public transit. To the extent allowed by law, there is hereby set aside from the general revenues of the City and County for the operations and capital improvements of the Department of Public Transportation for each fiscal year an amount equivalent to the City and County's share of revenues realized from:

1. Parking meters, except those amounts to be credited to the off-street parking fund as provided in Traffic Code Section 213 and those amounts collected from parking meters operated by the Recreation and Park Department and the Port Commission;

2. City-owned off-street parking facilities, including facilities leased to private owners and non-profit corporations, except those amounts to be credited to the off-street parking fund or otherwise dedicated as provided in Traffic Code Section 213 and except those amounts generated from any parking on or below any land or facilities under the jurisdiction of the Recreation and Park Department;

3. Fines, forfeited bail, or penalties for parking violations, except those amounts to be credited to the courthouse construction fund as provided in Administrative Code Section 10.117-35; and,

4. The tax on occupation of parking spaces, except for the amounts attributable to any surcharges imposed since 1978 and except for the amounts set aside for senior citizens' programs as provided in Section 615 of Part III of the Municipal Code.

In determining the amounts to be credited to the off-street parking fund as set forth in subparagraphs (1) and (2) above, sufficient revenues shall be credited to such fund to ensure adequate funding for the purposes for which such fund was created, including without limitation the following: capital outlays for the acquisition of property, construction, completion, and leasing of public parking lots, storage space, garages, structures, and other off-street parking facilities; maintenance and operation of such parking facilities; public works improvements that increase the supply of on-street parking; engineering and construction of on-street parking bays in parking meter districts in neighborhood commercial districts; installation and maintenance of on- and off-street parking meters; and the administration of the parking programs of the City and County.

The Treasurer shall set aside and maintain said amounts, together with any interest earned thereon, in a special fund, and any amounts unspent or uncommitted at the end of any fiscal year shall be carried forward to the next fiscal year and, subject to the budgetary and fiscal limitations of the Charter, shall be appropriated then or thereafter for the purposes specified in this section.

To the extent allowed by law, the Board of Supervisors may, by ordinance, dedicate additional revenues to the department of public transportation from sources including, but not limited to, gas taxes, motor vehicle licensing taxes or other available motor vehicle-related revenue sources.

SEC. 16.111. FRANCHISES.

The Board of Supervisors shall have the power by ordinance to grant to any person, firm or corporation, any franchise, including any renewal, extension, transfer or amendment thereof, for the use of any public right-of-way or public place within the boundaries of the City for the purpose of providing services to customers. Franchises may be granted only by a competitive process. Each franchise shall contain a specific and definite termination date which shall not be more than 25 years after its first effective date.

SEC. 16.112. CITIZEN PARTICIPATION; PUBLICATION OF AND ACCESS TO PUBLIC DOCUMENTS.

The publication of and full public access to public documents, except for those subject to confidentiality, shall be as required by law.

SEC. 16.113. SEVERABILITY.

If any provision of this Charter, or its application to any person or circumstances is held invalid, the remainder of this Charter, and the application of such provision to other persons or circumstances, shall not be affected.

SEC. 16.114. POWERS OF INQUIRY AND REVIEW.

The Mayor, the City Administrator, the Controller, or any board or commission appointed by the Mayor, relative solely to the affairs under its control, may require such periodic or special reports of departmental costs, operations and expenditures, examine the books, papers, records and accounts of, and inquire into matters affecting the conduct of any department or office of the City and County, and for that purpose may hold hearings, subpoena witnesses, administer oaths and compel the production of books, papers, testimony and other evidence. The Board of Supervisors shall have the same powers of inquiry and review, including the power to issue subpoenas and compel the production of evidence, with respect to matters affecting the conduct of any department or office of the City and County.

SEC. 16.115. HEADING AND CAPTIONS.

The headings and captions in this Charter shall have no bearing on the meaning of the text, which shall be the exclusive source for interpretation and construction.

SEC. 16.116. APPENDIX A -- EMPLOYMENT PROVISIONS.

The following sections of the Charter of 1932, as amended, shall remain in effect as a part of this Charter as "Appendix A -- Employment Provisions," except that in instance of conflict or inconsistency between these sections of the Charter of 1932 and the body of this Charter, this Charter shall prevail, and subject to the following limitations and amendments:

1. All references to sections of "the Charter" or "this Charter" shall be construed to refer to the Charter of 1932, as defined above;

2. All definitions or descriptions included through such references shall remain in force, unless in conflict or inconsistent with

definitions or descriptions in this Charter, or unless amended by the Board of Supervisors; and

3. Effective upon adoption of this Charter, references to "wife," "surviving spouse," "widow'" or "widower." shall be construed to include "spouse," or "surviving spouse."

The following sections from the Charter of 1932, as amended, shall be included in Appendix A with full force and effect, and each shall be designated with a prefix "A":

7.204	Contractors' Working Conditions
8.329	Certification of Eligibles
8.341	Removal or Discharge of Permanent, Non-Probationary Employees
8.342 - 8.344	Disciplinary Suspensions; Police and Fire Department Suspensions; Exoneration of Charges
8.345 - 8.346	Disciplinary Action-Strikes
8.364	Catastrophic Sick Leave
8.400 - 8.406	Salaries and Wages for Teachers, Muni, Police, Fire and Miscellaneous Employees
8.409 - 8.409-6	Collective Bargaining
8.410 - 8.411	Expenses
8.420 - 8.429	Health Service System Benefits
8.430 [1st ¶]	"Medical Care" Defined
8.431 - 8.432	Health Service System Benefits
8.440 - 8.441	Vacations
8.450 - 8.452	Hours and Tours of Duty
8.500 - 8.517	Retirement System
8.518 - 8.588-15	Retirement System
8.590-1 - 8.590-7	Collective Bargaining for Fire, Police and Airport Police

The provisions of Appendix A may be amended only pursuant to the provisions of state law governing charter amendments.

SEC. 16.117. APPENDIX B -- PORT AGREEMENTS.

The following sections from the Charter of 1932, as amended, shall be included in Appendix B with full force and effect, and each shall be designated with a prefix "B":

3.581 - 3.585	Port Transfer Agreement
6.406	Harbor Revenues and Expenditures
7.305	Revenue Bonds of the Port Commission

The provisions of Appendix B may be amended only pursuant to the provisions of state law governing charter amendments.

SEC. 16.118. APPENDIX C -- ETHICS PROVISIONS.

The following sections of the Charter of 1932, as amended, shall be included in Appendix C with full force and effect, and each shall be designated with a prefix "C":

3.699-10 - 3.699-16	Ethics Commission Procedures
8.105	Conflict of Interest and Other Prohibited Practices

The provisions of Appendix C may be amended only pursuant to the provisions of state law governing charter amendments.

SEC. 16.119. APPENDIX D -- BUILDING INSPECTION PROVISIONS.

The following sections from the Charter of 1932, as amended, shall be included in Appendix D with full force and effect, and each shall be designated with a prefix "D":

3.750 - 3.750-8	Department of Building Inspection

The provisions of Appendix D may be amended only pursuant to the provisions of state law governing charter amendments.

Article XVII: Definitions

For all purposes of this Charter, the following terms shall have the meanings specified below:

"Business day" shall mean any day other than a Saturday, Sunday or holiday on which governmental agencies are authorized by law to close.

"Confirm" or "confirmation" shall mean the approval by a majority of the members of the Board of Supervisors.

"Discrimination" shall mean violations of civil rights on account of race, color, religion, creed, sex, national origin, ethnicity, age, disability or medical condition, political affiliation, sexual orientation, ancestry, marital or domestic partners status, gender identity, parental status, other non-merit factors, or any category provided for by ordinance.

"Domestic partners" shall mean persons who register their partnerships pursuant to the voter-approved Domestic Partnership Ordinance.

"Elector" shall mean a person registered to vote in the City and County.

"For cause" shall mean the issuance of a written public statement by the Mayor describing those actions taken by an individual as a member of a board or commission which are the reasons for removal, provided such reasons constitute official misconduct in office.

"General municipal election" shall mean the election to be held in the City and County on the Tuesday immediately following the first Monday in November in odd-numbered years.

"Initiative" shall mean (1) a proposal by the voters with respect to any ordinance, act or other measure which is within the powers conferred upon the Board of Supervisors to enact, any legislative act which is within the power conferred upon any other official, board, commission or other unit of government to adopt, or any declaration of policy; or (2) any measure submitted to the voters by the Mayor or by the Board of Supervisors, or four or more members of the Board.

"Notice" shall mean a public notice in the form and manner as shall be prescribed by ordinance, and shall include a filing with the Clerk of the Board of Supervisors contemporaneously with such public notice.

"Official misconduct" shall mean any wrongful behavior by a public officer in relation to the duties of his or her office, willful in its character, including any willful or corrupt failure, refusal or neglect of an officer to perform any duty enjoined on him or her by law, or conduct that falls below the standard of decency, good faith and right action impliedly required of all public officers.

"One-third", "a majority" or "two-thirds" of the Board of Supervisors or any other board or commission of the City and County shall mean one-third, a majority or two-thirds of all members of such board or commission.

"Published" shall mean published in a newspaper of general circulation in the City and County.

"Referendum" shall mean the power of the voters to nullify ordinances involving legislative matters except that the referendum power shall not extend to any portion of the annual budget or appropriations, annual salary ordinances, ordinances authorizing the City Attorney to compromise litigation, ordinances levying taxes, ordinances relative to purely administrative matters, ordinances necessary to enable the Mayor to carry out the Mayor's emergency powers, or ordinances adopted pursuant to Section 9.106 of this Charter.

"Special municipal election" shall mean, in addition to special elections otherwise required by law, the election called by (1) the Director of Elections with respect to an initiative, referendum or recall, and (2) the Board of Supervisors with respect to bond issues, election of an official not required to be elected at the general municipal election, or an initiative or referendum.

"Statewide election" shall mean an election held throughout the state.

"Voter" shall mean an elector who is registered in accordance with the provisions of state law.

Article XVIII: Transition Provisions

SEC. 18.100. EFFECTIVE DATE OF THIS ARTICLE XVIII.

This Article XVIII shall take effect upon the filing of this Charter with the Secretary of State of the State of California. This Article, and each individual section, shall expire and go out of existence when the last act required to be done in this Article, or individual section, has been completed; and, thereafter, the Clerk of the Board of Supervisors shall secure its removal from the next printing of this Charter.

SEC. 18.101. OPERATIVE DATE OF THIS CHARTER; EFFECT OF ENACTMENT ON EXISTING LAW.

This Charter shall be operative July 1, 1996, and on that date shall supersede the Charter of 1932. Any authority vested in the Mayor to remove commissioners and department heads not granted in the Charter of 1932 shall be effective July 1, 1997. All references in this Article to the "Charter of 1932" shall be to the Charter of 1932, as recodified in 1971, and as amended as of December 31, 1995.

To the extent the provisions of this Charter are the same in terms or in effect as provisions of the Charter of 1932, they shall be construed and applied as a continuation of those provisions.

All provisions of local law relating to or affecting the City and County in force when this Charter becomes operative are hereby repealed and superseded only to the extent they are inconsistent with the provisions of this Charter.

Any amendments to the Charter of 1932 adopted at the November 7, 1995, election shall be incorporated into this Charter and shall supersede any conflicting provisions, even if the amendments receive fewer votes than this Charter. The Clerk of the Board of Supervisors, in consultation with the City Attorney, shall conform the format and terminology of the amendments to this Charter.

In adopting this revised Charter, the voters do not intend to amend or otherwise affect the provisions of any initiative ordinance in effect on the date this revision is adopted, including the Initiative Refuse Collection and Disposal Ordinance, adopted November 8, 1932, as amended, except that the City Administrator and the General Manager of Public Utilities shall succeed to the functions of the Chief Administrative Officer and the Manager of Utilities, respectively, as specified in that Initiative Ordinance.

The Retirement Board shall continue to exercise powers of management and control of workers' compensation programs until those functions are transferred pursuant to previously adopted ordinances to the Department of Human Resources.

SEC. 18.102. OBLIGATIONS OF CONTRACT NOT IMPAIRED.

All rights, claims, actions, orders, obligations, proceedings, bond authorizations and contracts existing on the operative date of this Charter shall not be affected by the adoption of this Charter, except that where functions, powers and duties have been reassigned, the office, agency or department to which the assignment is made shall have charge of the matter.

SEC. 18.103. TRANSFER OF 1932 CHARTER SECTIONS TO ORDINANCE AND INITIATIVE ORDINANCES.

The following sections of the Charter of 1932 shall be deemed enacted into ordinance and may be amended by the Board of Supervisors on the operative date of this Charter; provided, however, that in the instance of conflict or inconsistency between the ordinance or a portion of the ordinance and this Charter, this Charter shall prevail:

1.103
2.101
2.203
2.203-3
3.100, paragraph 8, sentences 5-6
3.201
3.301 - 3.303, inclusive
3.402
3.501
3.502
3.523
3.529
3.531
3.533 - 3.535, inclusive
3.537 - 3.539, inclusive
3.540 - 3.547, inclusive
3.551 - 3.552
3.560
3.570 - 3.572, inclusive
3.590 - 3.599, inclusive
3.601
3.621 - 3.624, inclusive
3.631, 3.632, and 3.634
3.640 - 3.641, inclusive
3.642, second sentence only
3.680, third paragraph only
3.691 - 3.694, inclusive
3.698.1 - 3.698.3, inclusive
3.699-2
3.707
6.207
6.300 - 6.304, inclusive
6.306 - 6.310, inclusive

6.312 - 6.313
6.400 - 6.403, inclusive
6.407 - 6.408, inclusive
6.410
7.100 - 7.104, inclusive
7.200 - 7.203, inclusive
7.205 - 7.206, inclusive
7.304
7.306
7.308
7.400 - 7.405, inclusive
7.600 - 7.606, inclusive
7.701 - 7.703, inclusive
8.104
8.106
8.311
8.410 - 8.411
9.104, fifth paragraph only
9.113 - 9.115, inclusive

Ordinances and policy declarations adopted by the voters shall not be published as part of this Charter, in an appendix or otherwise, but shall be published as provided in this Charter for other ordinances, and shall be included in any codification of ordinances as provided in this Charter and be designated as initiative ordinances.

SEC. 18.104. TRANSFER OF FUNCTIONS, POWERS AND DUTIES.

On the operative date of this Charter, all offices, agencies and departments of the City and County then in existence under the Charter of 1932 shall continue to perform their functions, exercise their authority and fulfill their responsibilities, as they existed immediately before this Charter's becoming operative subject to the provisions of this Article. Not later than 90 days after the operative date of this Charter, each such office, agency and department for which this Charter does not provide shall cease to exist, and its functions, powers and duties shall be transferred to the appropriate governmental unit created by this Charter or under the authority of this Charter. The Board of Supervisors and the Mayor shall take all action necessary to provide for the orderly transfer of functions, authority and responsibility on or before the date of such transfer.

SEC. 18.105. CHANGES IN OFFICES AND POSITIONS.

The Chief Administrative Officer and the Controller serving on November 7, 1995, shall be appointed to the offices, respectively, of City Administrator and Controller. These offices shall have the functions, powers and duties assigned by this Charter, and their initial terms of office in effect immediately prior to the date of this Charter shall remain unchanged,

except that the term of office of the City Administrator shall be five years from the incumbent's appointment as Chief Administrative Officer.

The Clerk of the Board of Supervisors serving on November 7, 1995, shall be appointed as Clerk of the Board of Supervisors. This position shall remain a classified position as long as the person holding the position on November 7, 1995, remains in this position.

The Secretary-General Manager of the Retirement System serving on November 7, 1995, shall succeed to the position of executive director. This position shall remain a classified position as long as the person holding the position on November 7, 1995, remains in this position.

The General Manager of the Department of Social Services shall succeed to the position of executive director of the Department of Human Services.

The offices of Assessor and Recorder shall be consolidated no earlier than July 1, 1997. Prior to that date, the functions, powers and duties of the Recorder shall continue to be performed by the Recorder-County Clerk, as that office is established in the Charter of 1932. After July 1, 1997, the functions, powers and duties of the County Clerk shall be transferred to the City Administrator and the functions, powers and duties of the Recorder shall be transferred to the Assessor-Recorder. The person holding office as Recorder-County Clerk at the time of the transfer shall become a deputy department head to the Assessor-Recorder, and shall maintain his or her classified status.

The Social Services Commission shall succeed to the Human Services Commission.

On the operative date of this Charter, the Chief Administrative Officer shall be responsible for the following functions until they are reassigned by the Mayor, with approval by the Board of Supervisors, or by operation of this Charter: Departments of Public Works, Government Services, Purchasing, Real Estate, Electricity and Telecommunication, Public Guardian, Convention Facilities, Animal Control, County Clerk/Recorder, County Agriculture, Weights and Measures and Registrar of Voters/Department of Elections; Medical Examiner; and all projects previously assigned by ordinance to the Chief Administrative Office, including but not limited to: George R. Moscone Center Project, Clean Water program, Publicity and Advertising Fund, Risk Management, Beautification project, EIPSC, Waterfront project and Solid Waste Management.

SEC. 18.106. OFFICIAL FIDELITY BONDS.

The Board of Supervisors shall determine the initial fidelity bond requirements under this Charter within 90 days after the operative date of this Charter. Until the Board of Supervisors determines such requirements for officials of the City and County, the bonds existing on the operative date of this Charter shall be maintained.

SEC. 18.107. RULES, REGULATIONS AND ADMINISTRATIVE CODE.

Each officer, department, agency, board and commission responsible for rules and regulations of the City and County under this Charter shall, within 90 days of the operative date of this Charter, review all rules and regulations for which it is responsible and amend and adopt rules and regulations consistent with this Charter.

SEC. 18.108. STATUS OF INCUMBENT OFFICERS AND EMPLOYEES.

The changes in and transfers of functions, powers and duties which occur at the time this Charter becomes operative shall not affect or impair the rights or privileges of permanent civil service officers or employees of the City and County relating to appointment, rank, grade, compensation, tenure of office, promotion, discipline, removal, pensions and retirement, except as provided in this Charter.

Whenever a position previously within the classified municipal civil service is, pursuant to this Charter, designated exempt from the civil service provisions of this Charter, the permanent civil service incumbent in such position at the time this Charter becomes operative shall continue to have civil service status in that position under the civil service provisions of this Charter.

If by the terms of this Charter, or action taken by authority of this Charter:

1. All or substantially all of the duties of any position exempt from the civil service provisions of the Charter of 1932 are transferred to another office, agency or department, that position shall be transferred to that office, agency or department and the person holding the position on the operative date of this Charter shall be transferred with the position.

2. All or substantially all of the duties of any civil service position are transferred to another office, agency or department, that position shall be transferred to that office, agency or department and the permanent civil service appointee holding the position on the operative date of this Charter shall be transferred with the position.

SEC. 18.109. EXEMPT POSITIONS.

The Board of Supervisors and the Mayor, through the budget for the fiscal year ending June 30, 1996, shall designate the positions exempt from civil service, within the categories provided in Article X of this Charter.

SEC. 18.110. PROVISIONAL APPOINTMENTS.

Unless their appointments are renewed pursuant to the provisions of Section 10.105, the employment of all provisional employees, appointed under the Charter of 1932, whose appointment does not meet the provisions of this Charter, shall be terminated within three years of the operative date of this Charter in accordance with the rules and regulations governing layoffs. Such provisional employees may qualify for certification as eligibles under rules and regulations expressly authorized by civil service rules approved by the Board of Supervisors. Such rules may establish special credit for civil service examinations for years of service or, through other methods, recognize the service of such employees who have held such employment for more than six months at the operative date of this Charter.

SEC. 18.111. ASIAN ART MUSEUM STATUS.

During such time as the Asian Art Museum is located in a wing of the M. H. de Young Memorial Museum, the Commission shall control and manage the collections housed in that wing as provided for in the July 2, 1969 Management Agreement between the Committee of Asian Art and Culture and the Board of Trustees of the de Young Museum, a copy of which is on file with the Clerk of the Board of Supervisors.

SEC. 18.112. PREPARATION AND INDEXING OF THIS CHARTER.

The City Attorney shall correct typographical errors and prepare an index prior to the operative date and publication of this Charter.

SEC. 18.113. MISSION-DRIVEN BUDGET PHASE-IN.

The mission-driven budget process shall be phased in over a three year period with the Mayor identifying for each of the three years approximately one-third of the City departments that shall thenceforth be required to comply with the requirements of Sections 9.114, 9.115 and 9.116.

SEC. 18.114. COMMISSION TERMS.

Whenever a new board or commission is created in this Charter, or additional members are added to an existing board or commission, the Mayor shall appoint the initial members to staggered terms.